

ARTICLE 2.0 THE GENERAL PLAN

Scope: The general plan is a conceptual guide in planning the direction of growth for Graham County. Since this is a guide and changes happen that are in the public interest, this plan is to be periodically updated. Additionally as a conceptual guide, areas indicated for a recommended land use zone are not to be mandatory, but as stated, to be used as a guide to attain the desired recommended growth pattern(s).

ARTICLE 2 THE GENERAL PLAN

2.1 - GENERAL PLAN AND ZONING ORDINANCE

The Board of Supervisors (Board) adopted a General Plan in August 1969 and then supplemented it with the 'Land Use and Resource Policy Plan' (LURPP) in July 1996 to promote and protect the public health, peace, safety, comfort, convenience and general welfare, and to secure for the citizens of Graham County, Arizona, the social and economic advantages of an orderly, efficient use of land. The Board further established a Zoning Ordinance, including Subdivision Regulations, that became effective November, 1969, amended in June, 1998 with rules, regulations and plans to safeguard and enhance the appearance and quality of development to insure that future growth and development is directed in accordance with said Plan and Zoning Ordinance. These instruments guide the evaluation and decision making of the Planning and Zoning Commission, as well as the Board of Supervisors as it pertains to land use and development in Graham County.

2.2 LEGAL BASIS OF A GENERAL PLAN

2.2.1 - ARS 11-802 / County Planning and Zoning

"The powers of the County Board of Supervisors, the Planning and Zoning Commission, the Board of Adjustment, the Planning Director and Zoning Inspector and all other persons or agencies charged with the administration of this Ordinance shall be strictly limited by expressed intent of the Legislature in the enactment of the Planning and Zoning Act of 1949 and by the Planning and Zoning Ordinance. The Board of Supervisors in order to preserve and promote the public health, safety, and general welfare, and in accordance with the provisions of this chapter may plan and provide for the future growth and improvement of the area under its jurisdiction and coordinate all public improvement with this Plan, form a Planning and Zoning Commission (Commission) to consult with and advise it regarding matters of planning, zoning, and to enforce such rules, regulations, ordinances and plans that apply to the development of its area of jurisdiction."

2.2.2 - ARS 11-806 / Powers and Duties:

"The Commission shall act in an advisory capacity to the Board of Supervisors and may from time to time, and shall, when requested by the Board, make a report or recommendation in connection with any matter relating to the development of Graham County. The Commission shall make such investigations, maps, reports and recommendations in connection with carrying out these delegated duties as seems desirable by the Board and as approved funding permits.

2.2.3 - ARS 11-821 / County Plan

"A. The Commission shall formulate and adopt a comprehensive long term County Plan for the development of land under its jurisdiction. The County Plan, with accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendations for the development and use of land in this area of jurisdiction and provide for general zoning regulations. The County Plan shall be made with the general purpose of guiding and accomplishing a coordinated and harmonious development of land. In the preparation of the County Plan, the Commission shall make surveys and studies of present conditions and propose future growth of the area under its jurisdiction and establish regulations deemed appropriate to guide development."

"B. The County Plan shall provide for zoning, and shall show the zoning districts designated for various classes of residential, commercial and industrial uses, and provide for the establishment of setback requirements, as well as establish other standards and regulations providing for adequate light, air and parking facilities, and for expediting traffic within the districts. The Plan may also establish the percentage of a lot or parcel, which may be covered by buildings, and the size of yards, courts and other open spaces. The Plan may provide for retirement community zoning districts and will establish density standards that preserve agricultural and ranch lands, while protecting the public health, safety and general welfare of all land owners and citizens in Graham County."

2.2.4 - ARS 11-822 / Adoption of the County Plan:

"The Commission may consider the County Plan as a whole, or by successive actions review separate parts of the plan corresponding with functional divisions of the subject matter, and from time to time, subject to the limitations of this chapter, amend, extend, or add to the County Plan. As part of the process to consider the plan or any part of it, amendment, extension or addition, the Commission shall hold at least one public hearing, after giving at least a fifteen (15) day notice in a publication or newspaper of general circulation in the City of Safford, the county seat. The Commission's recommendation will then be forwarded to the Board of Supervisors for action on the Plan or any part thereof, amendment, extension or addition, which is the approval process for adopting the County Plan."

2.3 PLAN COVERAGE AND WORK AREA

Graham County is estimated to be 4,630 square miles of land and 22 square miles of water. However, only about seven percent (7%) is patented or privately-owned land or approximately 207,424 acres. The remaining 93 percent of the County is held by the following governmental entities:

1. San Carlos Apache Indian Tribe is 37% or 1,096,384 acres;
2. State Lands has 533,376 acres or 18% of Graham County;
3. Bureau of Land Management is 25% or 740,800 acres; and
4. United States Forest Service (USFS) holds 385,216 acres or 13.1% of the property in Graham County.

There are currently three incorporated cities in Graham County, including the City of Safford (3,277 acres), the Towns of Thatcher (2,374 acres) and Pima (1,280 acres), along with many unincorporated communities and other diverse cluster developments each based upon a specific social or economic circumstance. There are two U.S. highways, U.S. 70 and U.S. 191, that serve as major transportation corridors in Graham County.

Mt. Graham is a major attraction in this region of the State with vast recreational potential with peaks that rise over 10,000 feet, ponderosa pine forests and small lakes, which could be further developed into a variety of all-season attractions, such as snow tubing, snowmobiling, camping, fishing, and hiking, et cetera.

Because of the aerial extend of the County and the diversity of climate, land forms, soils, vegetation and topography; and because of the concentration of urban areas and potentialities, the County must be considered as being composed of a large number of units for planning purposes. The boundaries of these units are based upon physical, physiographical, political and economical divisions. Each of these units is a complete planning area, but is necessarily further divided into study units for convenience and because the planning needs of the various specific areas differ from one another depending on their respective phases of development.

2.4 - PLANNING AREAS AND STUDY UNITS

The Planning Areas and their respective Study Units are as follows: (See Map #1)

2.4.1 Indian Reservation Planning Area.

2.4.2 The Gila Valley Planning Area is divided into the Study Units of: (a) East Gila Unit; (b) South U.S. 191 Unit; (c) Safford Unit; (d) Thatcher Unit; (e) Pima Unit; and (f) West Gila Unit.

2.4.3 Mountain Planning Areas are divided into: (a) Mt. Graham area; (b) Greasewood Mountains; (c) Galiuro Mountains; (d) Santa Teresa Mountains; (e) Aravaipa Canyon; (f) Gila Mountains; and (g) Pinaleno Mountains.

2.4.4 Agricultural and Range Planning Areas are divided into: (a) South East Graham County; (b) North Gila; (c) South Gila; (d) Aravaipa Valley; and (e) Sulphur Springs Valley Study Areas.

Each Planning Area or Study Unit may be treated as a separate study when the need arises, or any number of combinations of units may be considered at one time (or they all may be considered at once as the total plan). Even though the Commission's concentration is on one unit at any time, the Commission is aware that the Planning effects of one unit extends to and impacts surrounding units. Any point in the County will be included in a specific Planning Area and/or Study unit and will be correlated at all times with surrounding areas as far as planning evaluations are concerned.

2.5 POLICIES OF PLAN DEVELOPMENT

The General Plan has been developed according to assumptions established as a basic reference, a set of Plan Objectives and Standards by which the General Plan will be implemented and administered. In order that these concepts be more clearly understood, they are clarified as follows:

Assumptions: are facts, probabilities and predictions. Some assumptions must be accepted as part of the aspiration and desires of people in any area.

Plan Objectives: are those accomplishments aspired to and realized through the day-to-day actions of land development.

Standards: are the measures by which a General Plan is implemented and are expressed by subdivision and zoning regulations, Health and other regulatory procedures.

2.5.1 Assumptions

2.5.1.1 Population growth will continue and accelerate in Graham County

2.5.1.2 Shorter work weeks, more time off, higher earnings, early retirements and easier transportation throughout the entire United States will enable many people to make this area a "second home".

2.5.1.3 Technological changes in transportation communications, earth moving, water uses and "self contained" dwelling units will intensify the emphasis on Countywide planning.

2.5.1.4 Tourism will continue to increase as a major industry, new basic industries will be developed, sales and services for recreational equipment will expand.

2.5.1.5 Specific areas in all parts of the County will go through intensive land development.

2.5.1.6 Forestry areas will eventually experience a new high scientific timber extraction, greater public use, recreational development and extraction of minerals.

2.5.1.7 Summer and winter recreation, now in their infancy, will be exploited to higher potentials.

2.5.1.8 Exploration and extracting of both organic and inorganic mineral wealth will enrich the economy and modify the development pattern in the County.

2.5.1.9 There will be changes in Federal Land Policies and many areas which are now Federal land will become private, accelerating all phases of development and growth.

2.5.2 Plan Objectives

2.5.2.1 To encounter the advantages existing in the diverse potentialities of the County and to conserve and enhance the natural beauty and the resources of the County, thereby helping to retain the qualities that have attracted many people to this area.

2.5.2.2 To encourage orderly growth that will protect each man's investment while creating opportunities for individuals of all ages and income groups to choose living, cultural and working conditions they want.

2.5.2.3 To give assistance to each county area individually while retaining the diverse inter-relationship that exists within all parts of the County.

2.5.2.4 To coordinate streets and public utilities and facilities with the uses of land so that each will complement the other and encourage continued unified development and to promote the general protection, health and welfare of all citizens.

2.5.3 Standards

The Standards of Implementation and Administration shall be those incorporated in the General Plan, the Land Use and Subdivision Regulations in this ordinance, and the various regulations and State Laws related to land development, land access, lot sizes, and building location requirements and general land use.

2.5.4 Property Ownership

The basic property ownership of Graham County is: Private land 7%, State of Arizona 18%, B.L.M. 25%, National Forest 13%, and Indian Lands 37%*. (see Chapter 2.3 for more details)

*Graham County Land Use and Resource Policy/Implementation Plan - Appendix "A", pg. 5. Graham County Government, July, 1996.

2.6 LAND USE MAP

Land use, on a map, is the pictorial presentation of human activities using a few standardized symbols. It is necessary to assume on a map that the purpose for a representative symbol or color in each instance is to show the location of such use and to show the relative distribution of the respective uses to each other and within the County. The terms as used on the map key of the map titled "Existing Land Uses, Graham County, Arizona" are herein clarified:

2.6.1 Urbanized Areas

To be "Urbanized" an area should have an identity and include most of the following: retail stores, service facilities, places of employment, schools and other governmental facilities and to be relatively compact. Such areas in Graham County are the incorporated communities of Pima, Safford and Thatcher, also the unincorporated communities of Solomon, San Jose, Central, Ft. Thomas, Bylas, Klondyke and Bonita.

2.6.2 Agriculture Intensive

The areas along the Gila River in Graham County have been cultivated for many years. These lands have decreed water rights from the Gila River and are some of the highest producing farmlands in Arizona.

2.6.3 Agriculture Extensive

Most of this farmland is found in the Bonita area of southern Graham County. It has been put into cultivation within the last few years. It is rangeland that has been cleared and wells dug to provide water for irrigation. It is still being improved and is not well established yet.

2.6.4 Ranching, Grazing and Mining

The areas between the farmland and forests in Graham County are used primarily for ranching, grazing and mining. It is comprised of some private, State and B.L.M. land.

2.6.5 Recreation

Land areas that have been set aside for recreational or tourist usability may include hundreds of square miles of 13 inaccessible areas around one specific attraction; but nevertheless, the "use" of the land is limited to one single purpose even if it is not used as such. These areas include uses for agriculture, hunting, mineral extraction and grazing.

2.6.6 Indian Lands

Land Use boundaries are shown as the reservation boundaries because existing or potential use of any of this area is restricted by its nature of ownership. As will be indicated on the General Plan Map, the use potential of some of the reservation land is high.

2.6.7 National Forest Lands

These are public lands that have been designated by the United States Government for multiple use which includes grazing, timber, recreation, wildlife, mining, etc. These lands are managed by the Coronado National Forest Service - Safford District of the U.S. Department of Agriculture.

2.7 DESCRIPTION OF MAP CLASSIFICATION

2.7.1 Urban Development

Compact community areas providing the basic services necessary for self contained functioning, or for one or more such areas to have come correlated or inter functioning services including retail services, basic employment facilities, schools, streets, water, sanitation, police protection and other basic services. No new community areas are anticipated; however, Bylas and Fort Thomas will develop into more self-contained urban areas. Pima will continue to grow and the Safford-Thatcher area will continue to consolidate into a single, urban complex while retaining two separate governmental and functional identities.

2.7.2 Suburban Development

Development is primarily areas for residential, auxiliary service, and retail facilities related to, and dependent on urban centers. Residential development is of much lower density and is primarily single family residential. If far enough away from a primary urban center, small urbanized nuclei may come into existence which may lead ultimately to future community areas.

2.7.3 Isolated, Commercial or Industrial

Such development usually has a single purpose function or is related to some natural or man-made phenomena, which would justify its location. The only site shown is a proposed industrial park in relationship to the airport. Not shown, but of possible reality, are low-grade copper ore operations in the Gila Mountains and foothills.

2.7.4 Recreation, Specific Area Development

The Mountain-National Forest areas of Graham County of tree line elevations have unlimited potential for all seasons recreation. These recreation areas are an attraction for the Phoenix and Tucson urban populations as well as to the local population and to tourists.

2.7.5 Farming

There are two areas of intensive agricultural development and continuing potentialities in Graham County; the Gila Valley and the Sulphur Springs Valley. The most important is the Gila Valley flood plains and lower bench of the older flood plain, which specialize in high value per acre irrigated crops, and farming. In the Sulphur Springs Valley, which is primarily alfalfa, grains, fruit and vegetables, farming is dependent on deep well irrigation to supplement deficiencies in natural moisture.

2.7.6 General

The remaining portion of Graham County comes under this description. Most of this land has a multi-function function purpose and potential, which includes grazing, mining, recreation and hunting.

2.8 GRAHAM COUNTY TRANSPORTATION

The purpose and function of transportation facilities are to provide a means of conveying commodities or people between two or more places. In the United States, the extent of transportation development is of such coverage that many inland areas receive a direct benefit through being in an intermediary location and are on the "mainline" of through transportation media. The link of transportation through such an area also serves to move local commodities or people short distances or to add local production to the national market.

Graham County is in a location that receives immeasurable benefits by having two major U.S. highways pass through it. All transportation media affect the use of the land through which they traverse in many ways. Each medium requires an easement, right-of-way, or land use and within reason their pathway should maintain an even or gradually changing grade. Rights-of-way, therefore, may include cuts, tunnels, embankments, underpasses or bridges and may dominate or control contiguous land uses and may be the factor most affecting land values and use potential.

2.8 GRAHAM COUNTY TRANSPORTATION (Continued)

All transportation media are affected by the area, which they traverse. The physiography of an area, whether as canyons or mountains or level areas, affects the routes open to transportation and limits the path these routes will follow. In general, any transportation route must be connected to some second terminus or by passing through an area, create one. The transportation media in Graham County are separated into the classifications of highways, railroads, electric power transmission lines, natural gas lines and airports and landing fields.

2.9 IMPLEMENTATION

The General Plan will be implemented primarily through the use of the Land Use and Subdivision Regulations in the Ordinance. Stages of implementation may be facilitated by coordinating studies of other agencies with the General Plan and regulations referenced in Subsection 2.2.

In order to correlate precise land use regulations in any of the County Planning Areas or Study Units (as described in this Ordinance) with an overall General Plan. A detailed plan for each Study Area should be developed as such need arises. These separate area plan details may be adopted each as a separate part by successive stages in the long-range ultimate completion of precise planning studies for Graham County. (See Planning Areas and Map of Planning Areas)

All Planning decisions are arrived at through public hearings at both the Planning and Zoning Commission and Board of Supervisors level. The responsibility is ever continuing, for patterns of development change and land potentialities vary and the need for re-evaluation of any plan area and any zone category may be ever present. No Planning or Land Use Regulations are intended to be necessarily permanent and the provisions to request changes are explicitly open to all citizens.

2.9.1 Land Use (Zoning)

When a Planning Area Study has been completed and precise land use studies commenced, the Planning Study is then interpreted in terms of land use classifications. General Plan designations are "general" in nature and may include or overlap a number of land use classifications. Precise boundaries are avoided. The Plan is an ideal and a guide which avoids "hairline" determinations. Conversely, land use classifications are specific and land use boundaries and the uses they permit or restrict are more precisely defined.

2.9.1 Land Use (Zoning) Continued

The zoning regulations of this Ordinance specify the uses permitted in each classification, minimum lot areas, building setbacks, parking space provisions and minimum utility requirements including, sewage disposal system in accordance with the Graham County Health Department or the Arizona Department of Environmental Quality (ADEQ) rules and regulations. As required by State Laws, the land use regulations also provide for administration and enforcement through permits and zoning inspectors.

ARTICLE 3.0 ADMINISTRATION

Scope: This section is to provide the legal validity and guidelines for administering this Ordinance including the necessary fees, definitions, and establishment of land uses.

ARTICLE 3.0 ADMINISTRATION

3.1 JURISDICTION

These regulations shall govern all land within the boundaries of Graham County, under the jurisdiction of the Board or the unincorporated areas.

3.2 PLANNING AND ZONING COMMISSION JURISDICTION

It shall be the duty of the Commission to administer and enforce the provisions of this Ordinance under their jurisdiction.

3.3 ZONING ADMINISTRATION JURISDICTION

It shall be the duty of the Planning Director and the Zoning Inspector to administer and enforce the provisions of this Ordinance regarding land use limitations as described in ARS 11-808.

3.4 VALIDITY OF THIS ORDINANCE

It is the intent of the Board to adopt the entire Ordinance as a legal document and as a part of the General County Plan. Any words which appear to be precatory in nature are to be interpreted as though they were positive and conclusive. Should any article, chapter, section, paragraph, sentence, clause, or phrase of these regulations be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of these regulations.

3.5 VALIDITY OF PERMITS AND LICENSES

All departments, officials, and employees of the Graham County vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Ordinance and no permits or licenses shall be issued for uses or purposes in conflict with the provisions of this Ordinance.

The site permit is conditional upon the privileges being utilized within one year of the effective date of application for this permit. If no work has begun on this permit after one year from the date of issuance, this permit shall become null and void, and any privilege granted by this permit or variance shall be deemed to have elapsed. A notice of nullification for the site permit will then be sent by staff of the Planning Department.

3.6 INCORRECT OR OMITTED INFORMATION

Incorrect information or statements or information omitted by applicants such that its omission might alter the conditions on which any approval of permit, variance, appeal or change was being considered is sufficient basis for termination of any proceedings in process.

3.7 VIOLATIONS, PENALTIES AND ADDITIONAL REMEDIES

3.7.1 It is unlawful to erect, construct, reconstruct, alter, place, maintain or use any land in any zoning district in violation of any provision of this Ordinance. Any person, as defined, herein, violating or causing the violation of any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine or by imprisonment in the County jail or by both fine and imprisonment as stipulated within ARS 11-808-C. Each and every day during which the illegal erection, construction, reconstruction, alteration, placement, maintenance, or use continues is a separate offense.

3.7.2 Additional Remedies: If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, placed, maintained, or used or is proposed to be used in violation of this Ordinance, the Board, the County Attorney, the Planning Director, Zoning Inspector, or any adjacent or neighboring property owner who is specifically damaged by the violation, may in addition to the other remedies provided by law, take appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, placement, maintenance or use.

3.8 FEES

All fees shall be paid to the Graham County Planning and Zoning office for the services rendered. The fee schedule is listed below for reference only as of September 1998 and may be adjusted by the Board of Supervisors by resolution from time to time as they determine is needed.

<u>SERVICE</u>	<u>FEE FOR SERVICE</u>
Building Permit - Site Permit	\$ 20.00
Building Permit – MH Installation	\$ 60.00
Late Penalty Building or Site Permit	\$ 50.00
Application for Conditional Use Permit	\$ 50.00
Application for Temporary Use Permit	\$ 50.00
Application for Variance	\$ 50.00
Application for Change of Land Use	\$ 75.00
Petition for Exception	\$ 50.00
Appeal to Board of Adjustments	\$ 50.00
Preliminary Subdivisions	\$ 50.00, plus \$ 10.00 per lot
Final Subdivision Minimum	\$ 5.00 per Lot \$100.00
Development and Subdivision Improvement Plan Checking Cost Minimum	\$ 15.00 per lot \$150.00
Amended Final Map	\$ 50.00
Application for Mobile Home Park or Travel Trailer Park Plan Review	\$ 50.00, plus \$ 5.00 per M.H. Space
Reversion to Acreage, Abandonment	\$ 75.00

6/30/1996

3.9 DEFINITIONS

For the purpose of this Ordinance, certain terms used herein are defined as follows: All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number and all the words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. **Included within some definitions are listings of Land Use Classification in which that item is a permitted use, also included within some definitions are restrictions particular to that item.**

ABANDONED: Said of streets, public ways, easements or rights-of-way when the Board, by proper actions and public hearings abrogates all rights to said streets, public ways, easements or rights-of-ways.

ACCESS: Property dedicated by easement or to the public by right-of-way which affords the principal means of access (ingress and egress) to abutting property.

ACCESSORY BUILDING: A subordinate building or portion of the main building on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main buildings or their non-paying guests or employees.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of a lot or building located upon the same lot or building site.

ACRE: Shall mean a full acre containing 43,560 square feet with 40,000 square feet being considered a buildable acre.

ADJACENT: For structures not necessarily in actual contact, but not separated by things of the same kind. (For land parcels see Contiguous).

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, animal husbandry and uses customarily incidental thereto; but not including commercial slaughter houses, stockyards, meat packing plants, fertilizer yards, bone yards, or plants for the reduction of animal matter. **This item is permitted as an acceptable or permitted use within Land Use Classification (s) of A, A-R, CM, M, and M-X.**

AIRCRAFT LANDING FIELD: Facilities for intermittent or emergency landings of aircraft.

AIRPORT, COMMERCIAL: An airport, landing strip or landing field used by or available to commercial carriers, flight training or flying schools, private pilots or owners of non-commercial aircraft, on a commercial basis.

3.9 DEFINITIONS (CONTINUED)

AIRPORT, PRIVATE: An airport, landing strip or landing field owned and used by owners of non-commercial aircraft, including private bona fide flying clubs, on a non-commercial basis

ALLEY: Any public thoroughfare in residential areas and in commercial areas, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to property.

AMENDMENT: Shall mean a change in the wording, context or substance of this Ordinance, or an addition or deletion or a change in the zone boundaries or classifications upon the Land Use Map.

ANIMAL HOSPITAL: Facilities for the care, treatment and boarding of animals including the term "Veterinary Clinic". **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-1, CM, M, and M-X.**

APARTMENT: One or more rooms designed for, intended for and/or occupied by individuals doing cooking therein. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-M, R(SD), C-1, C-2, C-M, M, and M-X.**

AREA OF JURISDICTION: That part of the County without the corporate limits of any municipality.

AREA, OPEN: Land area on which there is no building or structure erected.

ARS: Arizona Revised Statutes.

AUTOMOBILE REPAIR SHOP: Facilities for the storage and mechanical repair of motor vehicles including body and fender shops. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-2, C-M, M, and M-X.**

AUTOMOBILE SERVICE STATION: Shall mean structure which provides for the servicing of motor vehicles and operations incidental thereto and does not include overhauling or body and fender repairs or major repairs requiring the storage of the vehicle on the premises. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-Z, C-M, M, and M-X.**

AUTOMOBILE WRECKING YARD: See JUNKYARD.

3.9 DEFINITIONS (CONTINUED)

BASEMENT: A story partly underground and having at least one-half of its height, measured from its floor to its finished ceiling, below the average grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over four (4) feet six (6) inches.

BILLBOARD: A sign of any kind, or character whatsoever and of any material whatsoever placed for the purpose of advertisement for any purpose other than the commercial activities active on the parcel of land on which the sign is placed. **This item is an acceptable or permitted use within Land Use Classification(s) of CM, M, M-X and in A zone with a Use Permit.**

BOARD: The Board of Supervisors of Graham County.

BOARD OF ADJUSTMENT: The Planning and Zoning Board of Adjustment.

BOARDING HOUSE: A building, other than a hotel, where lodging is provided, with or without meals, for compensation, for 5 or more persons and not primarily for transients. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-1, C-2, C-M, M, and M-X.**

BORROW PIT: Shall mean any place or premises where dirt, soil, sand, gravel, or other materials are removed by excavation or other means below the grade of surrounding land for any purpose other than that necessary and incidental to grading and/or building construction. **This item is a permitted use in M and M-X Land Use Classifications and a Conditional Use in A and C-M.**

BUILDABLE AREA: The net portion of the lot remaining after deducting all required yards from the gross area of a lot or building site.

BUILDING: A structure having a roof supported by columns or walls, for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING ACCESSORY: A building subordinate to the main building, the use of which is incidental to that of a main building on the same lot.

BUILDING HEIGHT: The vertical distance measured from the average level of the highest and lowest points of that portion of the lot covered by the building to the ceiling of the upper-most story.

3.9 DEFINITIONS (CONTINUED)

BUILDING, MAIN: Shall mean a building within which is conducted the principal use permitted on the lot, as provided by this Ordinance.

BUILDING PERMIT: shall mean a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the unincorporated areas of Graham County, pursuant to the regulations adopted by the Board of Supervisors.

BUILDING SETBACK LINE: Shall mean the minimum distance as prescribed by this Ordinance between any property line and the closest point of any building or structure or from a perpendicular projection parallel with the walls of said building or structure of any overhang or projection which is a part thereof.

BUILDING SITE: Shall mean the ground area of a building together with all the open space required by this and other County Ordinances. Does not include any streets, alleys, access easements or other right-of-way necessary for access to this property or as a means of access through this property to other properties.

BUSINESS OR COMMERCE: The purchase, sale or other transaction involving the handling or disposition (other than included in the term "industry" as defined herein) of any article, substance or commodity for profit or livelihood including additions, office buildings, offices, shops for the use of personal services, garages, outdoor advertising signs and outdoor advertising structures, and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARPORT: Shall mean a permanent roofed structure with no more than two (2) enclosed sides and intended to be used for automobile shelter or storage.

CEMETERY: Shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

CHURCH: Shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and door) and having a structurally solid roof. A church is not a "public building" as defined. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A-R, R (SD), C-M, and M, M-X with use permit.**

3.9 DEFINITIONS (CONTINUED)

CLUB OR LODGE: An association of persons (whether or not incorporated) for some common social purpose, but not including groups organized solely or primarily to render a service as a business for profit. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-1, C-2, C-M, M, and M-X.**

COMMERCIAL FEED LOT: A commercial feed lot shall mean a place, land, etc. where livestock, poultry and swine are confined in a pen other than for personal use, and fed with the intention of selling the livestock or selling anything produced by the livestock, poultry and swine. Livestock kept for home use or livestock pen-fed for a short period between grazing shall be considered an agriculture use. **This item is permitted as an acceptable or permitted use within the Land Use Classification of M-X.**

COMMISSION: Graham County Planning and Zoning Commission.

CONTIGUOUS: Adjoining by physical contact, usually pertaining to land.

COUNTY: Graham County, State of Arizona.

COUNTY ENGINEER: A person certified by the State to practice engineering, who is appointed to handle engineering services for the County.

COUNTY PLAN: See definition of GENERAL PLAN.

CUL-DE-SAC: A short street having one end open to traffic and being terminated at the other end by a vehicular turn-around.

DEDICATION: The ceding of land or property by its owner for any general or public use, reserving no special rights for the owner.

DESIGN: The design refers to street alignment, grades and width, alignment and width of easements and rights-of-way for drainage, sanitary sewers, and water lines, and the potential use of each parcel formed in reference to land division or special development plan.

DEVELOPMENT: Shall mean a subdivision either residential, commercial, industrial, or any type of improvements or land uses of any single parcel for commercial, industrial, or any other purposes other than residential including any existing or proposed structures, buildings and/or facilities.

3.9 DEFINITIONS (CONTINUED)

DILAPIDATED BUILDING: Shall mean any building in such disrepair, or damaged to such extent, that its strength or stability is substantially less than a new building, or that it is likely to burn or collapse and the condition of which endangers the life, health, safety or property of the public.

DIRECTOR: Shall refer to the Director of the Graham County Planning and Zoning Department and staff to the Planning and Zoning Commission.

DOMESTIC FARM ANIMALS: Animals, other than household pets, that are kept and maintained for commercial production and sale for family food production, education or recreation. Domestic farm animals include horses, cattle and other bovine animals, sheep, goats, ratites and small animals such as rabbits, chickens and potbelly pigs.

DUMP: The dump shall be a place used for the disposal, abandonment, or discarding by burial, incineration, or by any other means, of any garbage, sewage, trash, refuse, waste material, offal or dead animals. Such use shall not include an industrial or commercial processes except salvage operations and shall include sanitary landfills and solid waste disposal collection sites.

DWELLING, COMMERCIAL: Shall be motel, hotel, rooming house, boarding house, and other similar facilities where a person or group of persons does not assume a long term residency. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-1, C-2, C-M, M, and M-X.**

DWELLING, CONVENTIONAL: Shall mean a dwelling constructed on the site by craftsmen utilizing basic materials delivered to the site. Said building shall consist of footings and foundations poured in place and solidly attached to the walls, which shall be constructed in place. Roofing materials, and interior and exterior finishes shall be applied on site. This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications.

DWELLING, DUPLEX: Shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-M, R(SD), C-1, C-2, C-M, M, and M-X.**

3.9 DEFINITIONS (CONTINUED)

DWELLING, MODULAR (FACTORY BUILT): shall mean a dwelling unit which is pre-assembled in a factory prior to delivery to the job site for final assembly, and which conforms to the following: 1) built to Uniform Building Code standards; 2) Built with exterior materials customarily used on conventional site built dwellings, e.g. wood siding, asphalt roof shingles; 3) minimum roof pitch of 3 in 12; 4) Minimum one (1) foot overhang on all four sides; 5) Minimum width of 20 feet; and 6) Constructed to be set on a permanent foundation similar to site built dwellings, e.g. footings and stem walls or piers, in compliance with the UBC. This definition excludes “manufactured homes”, “recreational vehicles”, “mobile homes”, or “park models” ... also referred to as a “modular building”. **This is nonrestrictive to any land use and is an acceptable or permitted use in ALL zoning classifications.**

DWELLING, MULTIPLE UNIT: Shall mean a building or buildings designed and used for occupancy by three or more families all living independently of each other and having separate kitchen and toilet facilities. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-M, R(SD), C-1, C-2, C-M, M, and M-X.**

DWELLING, SINGLE FAMILY: Shall mean a detached structure designed or used exclusively for the occupancy of one family and having kitchen and toilet facilities. **This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications.**

EASEMENT ACCESS: An easement solely reserved for access to a lot or parcel.

EASEMENT, PUBLIC UTILITY: Shall mean the portion of a lot or parcel reserved for utilities, drainage, etc.

EXCEPTION: A permitted irregularity from the subdivision regulations as regarding processing or design, permitted only through hearing by the Commission and Board.

FABRICATION: Assembling of parts or processed material commonly brought from elsewhere.

FAMILY: One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house.

3.9 DEFINITIONS (CONTINUED)

FARMING, LIGHT: Land use or cultivation and keeping or raising livestock, which is intended only as a supplementary source of income or livelihood. **This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications, excluding R-6, R-6R, R-M, and R-MH.**

FEEDLOT: See COMMERCIAL FEEDLOT.

FENCE: A structure usually built to separate two parcels of land or separate a parcel into different use areas.

FERTILIZER YARD OR PROCESSING PLANT: A place where animal matter is collected, processed, or stored on a commercial basis. **This item is permitted as an acceptable or permitted use within Land Use Classification - M-X**

FINAL PLAT: A map prepared in accordance with the provisions of these regulations designed to be placed on record in the Office of the County Recorder.

FLOOR AREA: The sum of all floor areas of all stories of a building.

FRONTAGE: Shall mean that portion of a parcel of property which is contiguous with a dedicated public street or highway or right-of-way or legal access easement.

GARAGE, PRIVATE: An accessory building or portion of the main building, which is designed or used for the shelter or storage of self-propelled vehicles, owned by the occupants of the main building.

GARAGE, PUBLIC: Shall be the structure or area, except those herein defined as a private or storage garage, which is used for the storage or care of self propelled vehicles, or where such vehicles are equipped for operation or repair, or kept for hire or sale. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-2, C-M, M, and M-X.**

GARAGE, STORAGE: Shall be the structure or area, other than a private garage or public garage as defined above, which is used exclusively for storage of self-propelled vehicles.

3.9 DEFINITIONS (CONTINUED)

GENERAL PLAN OR MASTER PLAN: A plan made and adopted by the Commission and adopted by the Board for the general physical development of Graham County and includes any part of such plan separately adopted and any amendment to such Plan or parts thereof. It is the County Plan.

GOVERNMENTAL AGENCY: Any agency of the Federal, State, County, or Municipal Governments.

GRAZING: It is the feeding of domestic livestock on an open range or fenced pasture and uses customarily incidental thereto, but not including commercial slaughter houses, stockyards, fertilizer yards, bone yards, or plants for the reduction of animal matter. Community clubs such as 4-H, etc. may be exempt, if neighbors don't have any legitimate complaints. **This item is nonrestrictive to any land use and is an acceptable or permitted use in ALL classifications, excluding R-20, R-6, R-6R, and R-MH.**

GREENHOUSE, COMMERCIAL: A greenhouse shall be a building or structure constructed chiefly of glass, glass-like translucent material, cloth, lath, or similar materials which is devoted to the protection or cultivation of flowers or other tender plants for commercial purposes. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) - ALL excluding R-20, R-E, R-6, R-6R, R-M, and R(SD).**

GUEST RANCH: A building or group of buildings containing two or more guest rooms, other than a boarding house, hotel, or motel and including outdoor recreational facilities such as, but not limited to, horse-back riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch. **This item is permitted as an acceptable or permitted use within Land Use Classification R-E and Conditional Use Permit in A zone.**

3.9 DEFINITIONS (CONTINUED)

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals and animal hospitals shall not be deemed as home occupations. Home occupations may be conducted in accessory buildings if all activity and storage is confined to that building, no person except those living in the main building are working there and no lights, noise, odors or other annoyances are created, which could affect the rights of adjacent property owners. Further no more than 25% of the total floor area in the main building shall be used for the home occupation. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A, A-R, R-20.**

HOSPITAL: Shall mean any building or portion thereof used for the accommodation and medical care including surgery of sick, injured, or infirm persons and including sanitariums, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-1, C-2, C-M, M, and M-X.**

HOTEL: An establishment or building providing a number of bedrooms, baths, etc., for the accommodation of travelers, or semi-permanent residents with or without food. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-1, C-2, C-M, M, and M-X.**

HOUSEHOLD PETS: Small domestic animals such as dogs, cats and certain birds, reptiles, fish, rodents, fur bearing animals and certain types of swine as small household pets, and which are not kept, bred, raised or exchanged for commercial purposes. Also see Kennels and Livestock. This term is not restrictive to any land use designation.

INDUSTRY: Shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof. Industry shall include storage yards, warehouses, wholesale storage and other similar types of enterprises, including bulk storage plants.

INDUSTRY, LIGHT: Those manufacturing procedures or related processing's which do not result in extensive open plant yard areas, nor masses of raw materials nor which result in noise, odors, dust, lights, vibration or waste products which would have any detrimental effect on surrounding areas.

3.9 DEFINITIONS (CONTINUED)

INSTALLATION: (Public or Quasi-Public) permanent structural facilities that could not be classified as a building, but which occupy a specific area and serve a use function such as a power substation or radio relay station.

INSTALLATION PERMIT: Shall mean a permit required for the placement of a mobile or manufactured home as defined herein and the inspection of the setup and connection of utilities to it, pursuant to State regulations.

JUNK: Junk includes unlicensed and inoperable motor vehicles, or portions of automobiles, old buildings, scrap metal, scrap wood, or other scrap materials and/or the dismantling or "wrecking" of automobiles or other vehicles or machinery or structures, but is not limited thereto. Storage of junk on any parcel of land and shall not exceed 1% of the land area or 200 square feet whichever is smaller. **This term is not restrictive to any land use designation.**

JUNKYARD (Automobile Wrecking Yard): Shall mean a facility or site used for stockpiling, processing, sale, resale, etc. of junk or use of resale or storage for any commercial purposes. All junkyards shall have minimum of 100 feet setback from all property lines and all junk contained within a fenced area. A fence is to be a minimum of six (6) feet high and made of chainlink, wood, or masonry block wall. **This item is permitted as an acceptable or permitted use in Land Use Classification(s) M, and M-X.**

KENNEL, COMMERCIAL: Shall be a site for the use of harboring, keeping or maintaining dogs for any of the following purposes:

- a. To breed and/or promote for sale more than an aggregate of five (5) litters or twenty (20) dogs per year.
- b. To use more than five (5) dogs, cats, or other household pets for remuneration;
- c. To train and/or board more than five (5) dogs;
- d. Veterinary hospital that boards pets not being treated at the facilities.

Commercial Kennels shall have a minimum of 200 feet set back of any buildings, exercise runs, or any other animal facility from any property line adjacent to any residential land use. All animal facilities are to be contained within a second security fence of six (6) feet in height and made of material to contain any pet excluding birds.

3.9 DEFINITIONS (CONTINUED)

Kennels are to have equipment and facilities for a minimum of weekly removal of all animal waste. Any closed building used for housing of pets is to be equipped with proper ventilation, heating, and cooling as required for a safe environment for the type of pet housed. Kennels, at their own expense, shall submit annually to the Graham County Planning and Zoning Department a certificate or certified letter from a veterinarian licensed in the State of Arizona. These certificates shall state that the facility in the veterinarian's opinion is in adequate sanitary condition and provides adequate food, water, shade, housing, and secured facilities to maintain pets. **This item is permitted as an acceptable use within Land Use Classification(s) of M, and M-X.**

LAND LEVELING: The removal of or relocation of earth, soil or rock in order to make a more uniformly level lot or building site.

LAND USE AND RESOURCE POLICY AND IMPLEMENTATION PLAN:

Separate document adopted in July, 1996 as an appendix to the Planning and Zoning Ordinance by the Graham County Board of Supervisors. Purpose of the plan is to provide direction from the citizens of Graham County to guide Federal, State and County decision makers in protecting, evaluating and enhancing the county's custom and culture, social stability economy, tax base and overall health and resources.

LAND USE PERMIT: Shall be a permit for designation of uses for a parcel of land as defined as a "Building Permit" in Chapter 3.5 and Section 5.6.2 of this Ordinance.

LAND USE (ZONE, ZONING): The individual use described as allowable for a parcel of land. Each land use shall have particular permitted uses, minimum allowable land area required for that land use, and specific restrictions within that use. Some land uses may have conditional uses permitted with special approval.

LAUNDRY, SELF SERVICE: A building with clothes washing and drying machines, either coin or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry and dry cleaning. self-service laundry does not include outdoor drying facilities. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-1, C-2, C-M, M, and M-X.**

LEGAL ACCESS: See ACCESS for definition.

3.9 DEFINITIONS (CONTINUED)

LIVESTOCK: Shall mean animals, such as cows, sheep and poultry that are basically used for meat and food products, but may have other uses, and also includes equine, but not swine. **This item is permitted as an acceptable or permitted use within all Land Use Classification(s), except where prohibited by subdivisions or nuisances occur.**

LOT: Any lot, parcel or tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by the use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A lot situated at the intersection of two or more existing or proposed streets.

LOT, DEPTH: The shortest distance between the mid-point of each the front and rear line.

LOT OCCUPANCY: This refers to the percentage of the area of a lot which is occupied by all buildings or other covered structures.

MAG: MARICOPA ASSOCIATION OF GOVERNMENTS.

MANUFACTURED HOME: shall mean a dwelling unit, transportable in one or more sections, manufactured after June 15, 1976 built to standards established by the U.S. Department of Housing and Urban Development (HUD) with a HUD seal affixed and with the following characteristics: 1) a minimum of forty (40) feet in length and eight (8) feet wide or more; 2) constructed on a permanent chassis; 3) designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities of water, sewer or septic, and electrical. A manufactured home is not a "mobile home", "recreational vehicle", "factory built", or a "park model". Installation permits for these structures may be issued only in accordance with those residential zones in which manufactured homes are a permitted use, pursuant to floodplain regulations. **This item is permitted as an acceptable or permitted use within Land Use Classifications ... ALL excluding R-1.**

MANUFACTURING: The fabrication of finished or more completely worked products from one or more raw materials or from semi-finished products or the reprocessing of goods or materials and may include storage, packing and shipping.

3.9 DEFINITIONS (CONTINUED)

METALLURGICAL: Includes the land used in treating and reducing metal bearing ores by mechanical, physical or chemical methods on a commercial basis and uses incidental thereto but does not include permanent residential housing or the fabricating of metals or metal materials. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A, A-R, R-20, M, and M-X.**

MINING: The extraction of mineral or organic deposits from the earth including permanent sand and gravel operations either by means of open pits, shafts or pipeline except that the extraction of water does not constitute mining nor is the operation of a temporary borrow pit or land leveling classified as mining. **This item is a permitted use in M and M-X Land Use Classifications and a Conditional Use in A and C-M.**

MOBILE HOME: A transportable structure suitable as a single family dwelling unit with plumbing and electrical connections provided for attachment to outside systems, constructed prior to June 15, 1976, and bears an Arizona Insignia of Approval. A mobile home shall be transported on its own wheels, designed and built for long term occupancy in a specific location and have no foundation other than wheels, jacks or skirting or other temporary support. The removal of the wheels shall not change the meaning of this term. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) - ALL excluding R-1.**

MOBILE HOME PARK: A parcel of land under single ownership means any plot of ground upon which two or more Mobile Homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, State and Federal governments, where posted restrictions for use of such areas are provided. **This item is permitted as an acceptable or permitted use within Land Use Classification of R-MH.**

MOTEL: Shall mean a building or buildings used for transient residential purposes containing guest rooms or dwelling units with automobile parking space provided and may contain commercial facilities for the service and convenience of guests. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R(SD), C-1, and C-2.**

3.9 DEFINITIONS (CONTINUED)

NON-CONFORMING USE: Any building or a land use which does not conform to the regulations for the land use in which it is situated and which was in existence at that precise location prior to adoption of these Zoning Regulations or change of land use.

NURSERIES: Facilities for commercial development, growth and sale of plants and/or for the conducting of and storage of equipment for landscaping operations and wholesale and/or retail sale of commercial gardening supplies. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-2, C-M, M, and M-X.**

OUTDOOR ADVERTISING SIGN: A sign of any kind or character whatsoever and of any material whatsoever placed for outdoor advertising purposes for the activities on the parcel of land on which the sign is located whether on the ground or on any structure or stationary, parked or mobile. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. Signs permitted in the "R" land use for sale of property or home occupations shall be limited to four (4) square feet. Outdoor signs in a commercial zone or with a use permit in an A zone shall conform to the limits established for billboards in Chapter 5.8.

OWNER: Is any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land to commence and maintain proceedings to control, divide, or otherwise deal with the same under this Ordinance.

PARKING AREA: Portion of overall building site reserved exclusively for parking and maneuvering of vehicles, which space is generally 10' by 20' but can vary.

PARKING LOT: Open area facilities for parking and maneuvering vehicles.

PERSON: Shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, Special District, or any other group or combination acting as an entity.

PETROLEUM BULK PLANT: Shall mean a wholesale and/or retail distribution facility of processed petroleum products. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-2, C-M, M, and M-X.**

3.9 DEFINITIONS (CONTINUED)

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission of Graham County, State of Arizona.

PLAT: Refers to a map (including required certificates) in these regulations.

PLOT PLAN: See SITE PLAN.

PREFABRICATED DWELLING: See MODULAR DWELLING (Factory Built)

PRELIMINARY PLAT: A plan of a proposed subdivision of land.

PROFESSIONAL OFFICE: Shall mean any building used or intended to be used as an office for a lawyer, engineer, land surveyor, architect, optometrist, accountant, doctor, dentist, and other similar professions. Does not include barber, beautician, and similar types of occupations. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C(SD), C-1, C-2, C-M, and M.**

PUBLIC BUILDING: Facilities for the conducting of public business constructed for the various public agencies and includes courthouses, city halls, post offices, governmental office buildings, libraries, and museums, but does not include schools or churches. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A-R, R(SD), C-1, C-2, and R-MH.**

PUBLIC HEARING: Public meeting held under the conditions and for the purpose specified by ARS 11-829 and this Ordinance.

PUBLIC NUISANCE: Shall mean a dilapidated building or an accumulation of rubbish, trash, weeds, filth, debris or junk that constitutes a hazard to the public health and safety as determined by Graham County Planning Department, Health Department, or other departments with jurisdiction over the condition.

QUASI-PUBLIC: A privately owned facility which serves a common public need such as churches, public utility buildings and facilities, specifically: offices, warehouses, and storage yards, but shall not apply to transmission lines, pipelines, booster stations, or substations. **This item is permitted as an acceptable or permitted use within Land Use Classification(s)....A-R, R(SD), C-1, and C-2.**

3.9 DEFINITIONS (CONTINUED)

RECREATION FACILITIES: Buildings, structures or areas built or developed for the purpose of entertaining, exercising, or observing various activities participated in either actively or passively or in which participation is by organized groups. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-RE, C-2, C-M, and M.**

RECREATIONAL VEHICLE (OVERNIGHT) : A vehicular type of unit, as defined in A.R.S. 41.2142 not more than eight feet (8') wide and no more than forty feet in length. For purposes of measuring length of the recreation vehicle, hitch and/or tongue shall be excluded. These portable structures are designed as temporary dwellings for travel, recreation or vacation uses and shall not be considered permanent dwellings, except when set up in a travel trailer park. The term recreational vehicle shall include the following:

- a. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping.
- b. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on and permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the complete vehicle. Busses converted for habitable use shall be considered a motor home.
- c. A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and having a gross trailer area of not more than three hundred twenty square feet or more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.
- d. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and having a trailer area of less than three hundred twenty square feet, including fifth wheelers.
- e. A portable truck camper constructed to provide temporary living quarters for recreation, travel or camping use and consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup.

RESTAURANT: An establishment (other than a boarding house) where meals, which are prepared in this structure, may be procured by the public. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-1, C-2, C-M, M, and M-X.**

3.9 DEFINITIONS (CONTINUED)

RE-SUBDIVISION: Changing of design, lot lines, size of lots or road alignment of any recorded or approved subdivision in Graham County by a private individual(s) or a business, which requires action by both the County and State.

RETAIL STORE (OR COMMERCIAL ACTIVITY): A business selling goods, services edible or otherwise, wares or merchandise directly to the ultimate customer. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-1, C-2, C-M, M, and M-X.**

RUBBISH, TRASH, FILTH OR DEBRIS: Shall include, but not be limited to, ordinary litter, refuse, waste, rubble and any remains from a dilapidated building or similar materials.

SCHOOL: An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or trade or vocational schools. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of A-R, R(SD), C-1, and C-2.**

SETBACK LINES: The shortest distance from the exterior surface of a structure and the property boundary from which it is to be set back from. Structural setbacks in this Ordinance are generally from property lines (front, side, and rear) as well as from street centerlines, of a street or property line between which no part of a building or structure or any part thereof may be erected or projected except as otherwise provided in this Ordinance.

SHOPPING CENTER: A group or cluster of stores or buildings divided for separate commercial or service facilities organized in a balanced arrangement for retail trade with provisions for parking. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C(SD), C-1, C-2, M, and M-X.**

SIGN: Any device for visual communication, including any structure or natural object or part thereof, that is used for the purpose of bringing a subject to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

3.9 DEFINITIONS (CONTINUED)

SITE PERMIT (BUILDING): Shall mean a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in excess of either eight (8) feet in height or 120 square feet in area in the unincorporated areas of Graham County.

SITE PLAN: Shall mean a plan prepared to scale or acceptable to the Planning Department, showing accurately and with complete dimensioning, all of the buildings, structures, uses and the exact manner of development proposed for a specific parcel of land.

STABLE, COMMERCIAL: A stable for horses which are let, hired, used, or boarded on a commercial basis or for compensation. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-RE, M, and M-X.**

STABLE, COMMUNITY: A noncommercial stable for horses, operated by and for the exclusive use of the members of a nonprofit, incorporated community organization. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of C-RE, M, and M-X.**

STABLE, PRIVATE: A stable for horses which are used by the owners of the property for their private use or that of their guests without compensation. **This item is permitted as an acceptable use in R-20 or larger land use zoning classifications.**

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than 4 feet 6 inches above the grade level, shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds an area of 40 per cent of the area of the floor next below it.

STREET: A public or private thoroughfare that affords the principal means of access to property, including any road or other thoroughfare except an alley as defined herein.

STRUCTURE: Shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location in/or on the ground or is attached to something having a location in/or on the ground such as supports or a foundation.

3.9 DEFINITIONS (CONTINUED)

SUBDIVIDER: Any person who causes land to be parceled into a subdivision for himself or for others.

SUBDIVISION: Shall mean improved or unimproved land or lands divided for the purpose of sale or lease, or for cemetery purposes, whether immediate or future, **in accordance with Arizona State Real Estate Land Statutes**. This paragraph shall not apply to the division or proposed division of land into lots or parcels each of which is, or will be, thirty-six acres or more in area including to the center line of dedicated roads or easements, if any contiguous to the lot or parcel.

SWIMMING POOL: Swimming pool is any structure intended for swimming or recreational bathing that contains water over 24 inches or more in depth and that is wider than eight feet at any point. This includes in-ground, aboveground, and on-ground swimming pools and fixed in place wading pools. See chapter 5.10 in the Zoning Ordinance.

TRAVEL TRAILER: Shall mean a portable structure with its own wheels, designed as a temporary dwelling for travel, recreational, or vacation uses. This may include campers and other similar vehicles, it shall not exceed 8 feet x 40 feet or be more than 400 square feet. (See recreational vehicle definition)

TRAVEL TRAILER PARK: Shall mean any plot of ground upon which two or more travel trailers are located for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations. This does not apply where all trailers are occupied by the owner of the plot and his immediate family, nor does it include areas provided for recreational purposes or overnight parking by agencies of the local, state, and Federal governments, where posted restrictions for use of such areas are provided. **This item is permitted as an acceptable or permitted use within Land Use Classification(s) of R-MH, and R(SD).**

URBAN: As used in this Ordinance refers to limited or extensive Community development where a cluster or group of people are living in close proximity, where the land or living units are divided into separate units and may or may not include commercial facilities.

USE: The purpose for which land or premises, or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and accessory to the principal use of a lot or a building located on the same lot as the primary use.

3.9 DEFINITIONS (CONTINUED)

USE PERMIT: Permit required by certain sections of this Ordinance for uses which may under the circumstances of a specific case be permissible but use in general may not be permitted.

USE, PRIVATE: A use restricted to the occupants of a lot or building together with their guests, where compensation is not received and where no commercial activity is associated with same.

VARIANCE: A variance is an authorization for a relaxation of the terms of the land use regulations which will not be contrary to the public interest and which owing to conditions peculiar to the property or neighborhood and which are not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardships. The Board of Adjustment, hereinafter established, may permit variances in the application of certain provisions of this code where practical difficulties or unnecessary hardship would result from a strict application of regulations.

WALL: Shall mean any outdoor structure or device forming a physical barrier which is so constructed that fifty percent (50%) or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface.

WEEDS: Shall include, but not be limited to, any common, unsightly, or troublesome plant that grows, tumbles in abundance, or is capable of being injurious to residential yards or cultivated ground.

YARD: The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the principle building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principle building to the setback line.

YARD, FRONT: A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principle building or any projection thereof as limited by Subsection 5.1.7. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

3.9 DEFINITIONS (CONTINUED)

YARD, REAR: A yard extending between the side yards of a lot and being the minimum horizontal distance between the rear lot line and the rear of the principle building or any projection thereof, as limited by Subsection 5.1.6, 5.1.7. On both corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the building and the side lot line of a lot and extending from the front yard to the rear lot lines as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principle building or any projection thereof, as limited by Section 5.1.7.

ZONE OR ZONING: See LAND USE.

ZONING DISTRICT: Shall mean any portion of a County in which the same set of Land Use Regulations apply.

ZONING INSPECTOR: Shall refer to the person performing the enforcement of the Land Use and Building Permit regulations.

ZONING PERMIT: Shall be a permit for designation of uses for a parcel of land as defined in total as a 'Building Permit' in Chapter 3.5 and Section 5.6.2.

3.10 GENERAL PURPOSE OF ZONING REGULATIONS

Official Land-Use Zoning Regulations for the unincorporated portion of Graham County are adopted and established for the following reasons, namely: 1) to preserve the public health, safety, comfort, convenience and general welfare; 2) to provide the economic and social advantages resulting from an orderly, planned use of land resources; 3) to conserve and stabilize the value of property; and 4) to guide and provide a definite plan for the future growth and development of the County in coordination with the County Planning and Zoning Ordinance, including the Subdivision Regulations.

For purposes of administrative uniformity, all property in Graham County will be classified "A" or General Land Use with the approval of these regulations. The Commission and Board will then continue with detail area General Plans and area Land Use Plans for all portions of Graham County. Land Use studies may also be initiated according to Subsection 6.9 of these regulations.

3.11 STATUTORY EXEMPTIONS

As specified in ARS Section 11-830, the provisions of this Ordinance shall not prevent, restrict, or otherwise regulate in any zoning district the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes, as defined herein provided the tract or premises so used is not less than five (5) contiguous commercial acres.

3.12 THE LAND USE MAP

Certain functional divisions of the General Plan are illustrated and detailed here as the Land Use Maps. These Land Use Maps, for convenience and identification, are divided into sectional area maps. The land use classifications for each land parcel and the boundaries of such land uses are not included in the written portion of this Ordinance, but will be shown upon the land use maps.

These maps and all the notations, references, and other information shown shall be as much a part of this Ordinance as if the matters and information set forth by the map were fully described herein. Copies of the printed portion of this Ordinance may be distributed as a complete document for reference purposes only and need not include copies of any Land Use maps.

Each Land Use map and change can only be established through public hearings at both the Commission and Board levels. No Land Use maps will be approved by the passage of this Ordinance, but will be developed as the result of subsequent studies and hearings.

3.13 ESTABLISHING LAND USES

3.13.1 Land Uses

In order to classify and segregate the uses of land and buildings, the following Land Use Classifications are hereby established:

A	General	S-D	Special Development
A-R*	Agricultural-Residential	C-RE	Commercial Recreation
R-20	Single-Family Residential	C-1	Commercial Recreation
R-1**	Single Family Residential	C-2	General Commercial
R-6	Single-Family Residential	C-M	Commercial-Manufacturing
R-E	Residential Recreation	M	General Manufacturing
R-M	Multi-Family Residential	M-X	Unlimited Manufacturing
R-MH***	Residential-Mobile/Manufactured Home (Travel Trailers)		

* Use of this Land Use Classification will require notation of minimum lot sizes as further described in Subsection 3.13.2

** Mobile and Manufactured Homes Prohibited

*** To be determined with approval of design.

3.13.2 Combining Land Use, Lot Area

The minimum area of a lot or parcel may be different from that designated on the table in Subsection 5.2.2. When so differently designated, the minimum lot area shall be indicated on the Land Use Map by a "lot area combining land use." The lot area shall be written beneath the Land Use classification on the Land Use map as follows: (example) R-6/10M. The following land uses are allowed with the minimum sizes shown.

4M (4,000 sq. ft.) in R-(SD) or R-MH zones only.

6M (6,000 sq. ft) in R-1, and R-6 zone.

10M (10,000 sq. ft.) in R-6, R-1, C-1, and C-2 zones only.

20M (20,000 sq. ft.) in C-1, and C-2 zones only.

1A (40,000 sq. ft or one acre) in R-20, R-6, R-1, C-1, and C-2 zones.

2A (two acres) in A-R, R-20, R-6, R-1, C-RE, C-1, C-2, and C-M.

5A (five acres) with A-R, R-20, C-RE, C-1, C-2, C-M, M, and M-X zones.

10A (ten acres) in A, A-R, R-20, C-RE, C-1, C-2, C-M, M, and M-X zones.

ARTICLE 4.0 LAND USE REGULATIONS

Scope: Land Use regulations are established to control what activities are permissible and how permissible in order not to be offensive to adjoining property or the community in general. The regulations are established with the minimal amount of control to protect property rights of use but restrictive to protect offense of property rights of others.

ARTICLE 4.0 LAND USE REGULATIONS

4.1 GENERAL "A" LAND USE (one acre minimum lot size)

4.1.1 Special Provisions

1. No subdividing shall be conducted or approved in any area designated as an A zone without prior rezoning of the land so parceled.
2. All applicable provisions of Subsection 5.1, 5.2, and 5.3 shall apply to this Land Use.
3. Building Setback requirements and distances between structures as described in Subsection 5.1.3 shall apply.

4.1.2 Uses Permitted

1. Agricultural and grazing uses and home occupations.
2. **One residence per parcel-one acre minimum parcel size, except as provided for in provisions for Conditional Use Permits.** Single-family dwellings, accessory uses normally incidental to a single-family dwelling or light farming, (this is not to be construed as permitting any commercial use). Signs pertaining to the sale, lease, or rental of the property on which the sign is located.
3. Private greenhouses and livestock for private use. Although there are no restrictions on the number of livestock a person can have for private use, consideration of noise, odors, the attraction of insects/pests and other possible public health and nuisance factors must be accounted for when keeping animals. A general guide is that one large animal or two smaller animals per 10,000 square feet of property is allowed.

4.1.3 Conditional Uses

1. Duplex, multi-family dwellings and guest ranches.
2. General retail and commercial offices.
3. Any industrial or manufacturing uses, schools, churches, and public buildings.
4. The establishment of any off-premises billboard.

4.1.3 Conditional Uses (Continued)

5. Borrow pits and removal of petroleum or natural gas on a commercial basis as limited by ARS 11-830A.

4.1.4 Additional Residences

Additional single-family residences may be erected or installed as an acceptable use within Land Use Classification(s) of A and A-R for owners with twenty (20) acres or more of property with the following restrictions. However, this provision does not apply to legal subdivisions in the County, which must be re-platted in order to change the number and size of lots from the approved final plat.

1. The original property owner when making application for a building permit shall maintain ownership of this property, but once the property is sold then a separate parcel shall be established by recording the newly created parcel with the County Recorder's Office and shall adhere to the provisions found in Section 2.9.2, Minor Land Divisions;
2. A maximum of four (4) residences total will be allowed per parcel;
3. Each dwelling shall have a minimum parcel area of one acre or more for each residence in the A or A-R zone;
4. Each building, site, or installation permit is to include a plot of all structures on the parcel and the proposed layout.
 - a. Each residence is to be situated within an area of the parcel equivalent to a minimum of one acre for an A and A-R zone.
 - b. Each residence shall be positioned within said area with minimum setbacks per that land use.
 - c. All proposed utilities are to be shown. Any utilities crossing another residence's site will include private utility easements.
 - d. Each residence shall have permanent legal access.
 - e. Each residence site shall be regulated as a separate parcel for administrative purposes.

4.2 AGRICULTURAL-RESIDENTIAL "A-R" LAND USE (one acre minimum lot size)

4.2.1 Special Provisions

1. Only one single-family dwelling shall be approved for any one parcel of land, lot or building site.
2. All applicable provisions of Subsection 5.1, 5.2, and 5.3 shall apply to this Land Use.
3. Building Setback requirements and distance between structures as described in Subsection 5.1.3 shall apply.

4.2.2 Use Permitted

1. Agricultural and grazing uses and home occupations.
2. **One residence per parcel, one acre minimum parcel size.**
Single-family dwellings, accessory uses normally incidental to single-family dwellings or light farming, (this is not to be construed as permitting any commercial use). Signs pertaining to the sale, lease, or rental of the property on which the sign is located.
3. Commercial greenhouse and livestock for private use (See more detailed information under the A zone provisions).
4. Schools, churches, public-buildings, quasi-public buildings and playgrounds.

4.2.3 Additional Residences

Refer to 4.1.4 for the regulations pertaining to allowing additional residences in the A-R zone.

4.3 SINGLE FAMILY-RESIDENTIAL "R-20" LAND USE (20,000 square feet minimum lot size)

4.3.1 Special Provisions

1. One single-family dwelling shall be approved for any one **parcel of land no smaller than 20,000 sq. ft. in size**, lot or building site.
2. Each **parcel**, lot or building site shall be served from an approved domestic water supply system if less than one acre **and shall provide adequate frontage as required from the entity providing the water supply**.
3. All applicable provisions of Subsections 5.1, 5.2 and 5.3 shall apply.
4. Building Setback requirements and distances between structures as described in Subsection 5.1.3 shall apply.

4.3.2 Uses Permitted

1. Light farming uses and home occupations.
2. Single-family dwellings, accessory uses normally incidental to a single-family dwelling or light farming including noncommercial guest houses. (This is not to be construed as permitting any commercial use), signs pertaining to the sale, lease, or rental of the property on which the sign is located.

4.3.3 Conditional Uses

Churches, schools, hospitals, parks and playgrounds, public and quasi-public buildings, and uses of similar purpose.

4.4 RESIDENTIAL RECREATION or “R-E” LAND USE **(20,000 square feet minimum lot size)**

4.4.1 SPECIAL PROVISIONS

1. All applicable provisions of sections 5.1, 5.2 and 5.3 shall apply to this land use.

4.4.2 USES PERMITTED

1. Light farming uses as permitted under “A-R” Land Use.
2. Single-family dwellings and accessory uses, including guest ranch, bed and breakfast, group homes. If property needs a septic system then approval from the County Health Department is required.
3. Signs pertaining to the sale, lease, or rental of the property on which the sign is located.

4.4.3 CONDITIONAL USES

1. Churches, schools, hospitals, parks and playgrounds, public and quasi-public buildings and uses of similar purposes.

4.5 SINGLE-FAMILY RESIDENTIAL "R-6" LAND USE (6,000 sq. ft. minimum lot size)

4.5.1 Special Provisions

1. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this Land Use.
2. When any lots or parcels for future subdivisions are proposed for less than 6,000 square feet, they shall be processed as a Special Development Subdivision (Subsections 5.1, 5.2, and 5.3). No existing development shall be classified as R-6/4M unless it conforms to the requirements for such lot areas under Special Development Land Use.
3. Each parcel shall be served from an approved domestic water supply system and shall provide adequate frontage as required by the water supply.
4. Building Setback requirements and distance between structures as described in Subsection 5.1.3 shall apply.
5. Parcels of less than 10,000 square feet shall have to be served by an approved sewage treatment facility and collection system.

4.5.2 Uses Permitted

1. **One residence per parcel.** Single-family dwelling including Mobile or Manufactured Homes and accessory buildings and uses normally incidental to single-family residences.
2. Signs, not over four (4) square feet in area and pertaining only to the sale, lease, or rental of the property upon which the sign is located.

4.5.3 Conditional Uses

1. Churches, schools, hospitals, parks and playgrounds, public and quasi public buildings, and uses of similar purpose.
2. Private parking lots for automobiles where the land lies adjacent to any "R-M", "R-(SD)", "C", or "M" Land Use.

4.6 SINGLE-FAMILY RESIDENTIAL "R-1" LAND USE (6,000 sq. ft. minimum lot size)

4.6.1 Special Provisions

1. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this Land Use.
2. Manufactured and mobile homes prohibited.
3. Each parcel shall be served from an approved domestic water supply system and shall provide adequate frontage as required by the entity providing the water supply.
4. Building Setback requirements and distances between structures as described in Subsection 5.1.3 shall apply.
5. Parcel of less than 10,000 square feet shall be required to be served by an approved sewage treatment facility and collection system.

4.6.2 Uses Permitted

1. **One residence per parcel.** Single-family dwellings and accessory buildings and uses normally incidental to single-family residences.
2. Signs, not over four (4) square feet in area and pertaining only to the sale, lease, or rental of the property upon which the sign is to be located.

4.6.3 Conditional Uses

1. Churches, schools, hospitals, parks and playgrounds, public, and quasi-public buildings, and uses of similar purpose.
2. Private parking lots for automobiles where land lies adjacent to any "R-MA", "R-(SD)", "C", or "M" Land Use.

4.7 SINGLE-FAMILY RESIDENTIAL MANUFACTURED OR MOBILE HOME "R-MH" LAND USE

4.7.1 General Provisions

4.7.1.1 Special Provisions

1. The R-MH Land Use shall be used only in conjunction with (a) a Manufactured Home Subdivision approved according to the provisions of these regulations, (b) Manufactured Home Parks, and (c) Travel Trailer Parks.
2. The R-MH Land Use cannot be used for areas containing less than three (3) acres of area.
3. When an R-MH Land Use is approved wherein portions of it are contiguous with other single-family residential land use classifications, a fence or screening may be required as a condition of construction.
4. When R-MH Land Use applies, only one Manufactured/Mobile Home as defined in this Ordinance, may be placed on each lot or parcel of land within the subdivision or park.
5. All applicable provisions of Subsection 5.1, 5.2, and 5.3 shall apply to this land use.
6. Any retail commercial facilities not directly connected with the parks or subdivision may only be approved by processing such use as a Special Development Project.

4.7.1.2 Uses Permitted

1. Manufactured Home Subdivisions, Manufactured Home Parks, and Travel Trailer Parks.
2. Manufactured or Mobile Homes intended for human habitation at the location where placed.
3. Facilities necessary exclusively for the needs and uses of those people who will be residing there.
4. Signboards advertising the on-premise uses.
5. Public and Quasi-Public buildings.

4.7.2 Manufactured Home Subdivision

4.7.2.1 General Requirements

1. Manufactured Home Subdivisions shall not be interspersed with conventional homes. Adequate buffer or separation areas shall be provided between Manufactured Home Subdivisions and other residential areas. Manufactured Home Subdivision shall have a minimum of thirty (30) foot landscape buffer along sides adjacent to R-20, R-6, and R-1 Land Uses, which could include a fence or wall.
2. They shall be located in areas of flat or gently sloping lands so as to facilitate the problems of moving and leveling the mobile home onto the lot. Access should be surfaced by streets of low gradients. The ground surface in all parts of every Manufactured Home Subdivision shall be graded and equipped to drain all surface water in a safe, efficient manner.
3. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants.
4. The site shall not be exposed to objectionable smoke, noise, odors, and other adverse influences. No portion shall be subject to unpredictable and sudden flooding or erosion. Nor shall the site be used for any purpose, which would expose persons or property to hazards.
5. The application for Preliminary Plat, Final Plat and improvement plans for a Manufactured Home Subdivision will be evaluated by the Graham County Planning & Zoning Commission by Section 6.0
6. The plans shall fulfill the requirements for facilities and other regulations or ordinances of the State and County Health Departments, and any other agencies, which may have jurisdiction over them. If the requirements of any of these jurisdictional agencies are more restrictive than the Commission's requirements, those requirements shall be included as a condition for approval by the Graham County Planning and Zoning Commission.
7. Any changes in design after approval by the Commission shall invalidate that approval and the plan shall be reprocessed as a new proposal.

4.7.2.1 General Requirements (Continued)

8. A Graham County Building Permit shall be required for each mobile home located on lots in order to assume compliance of use and setbacks, and also for any addition or structures located on the lot.

9. Open storage of materials or belongings other than boats and vehicles is prohibited.

10. The maximum number of units per acre for a Manufactured Home Subdivision shall be five. Manufactured Home Subdivisions shall be a minimum of ten (10) acres.

11. No part of the Manufactured Home Subdivision shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of the Subdivision residents and for the management and maintenance of the Subdivision.

4.7.2.2 Application for a Manufactured Home Subdivision

1. All applications shall contain a Plat of the Manufactured Home Subdivision which will meet all the requirements of the Subdivision regulations of this Ordinance and shall be processed as any other subdivision.

2. A preliminary Plat shall be submitted to the Planning & Zoning Department for evaluation and recommendations to the Graham County Planning and Zoning Commission.

3. The Plat shall have complete engineering plans and specifications of the proposed Subdivision as follows:

a. The area and dimensions of the tract of land.

b. The number, location, and size of all lots, each lot shall be numbered, and the dimensions shown.

c. The location and width of roadways and walkways.

d. The location of water and sewer lines, and riser pipes.

e. Plans and specifications of the water supply and refuse and sewage disposal facilities.

4.7.2.2 Application for a Manufactured Home Subdivision (Continued)

f. Plans and specifications of all buildings constructed or to be constructed within the Manufactured Home Subdivision.

g. The location and detail of lighting and electrical systems.

4. Five copies of the Plat shall be submitted to be distributed to the Planning Director, County Engineer, County Health Department, the County Highway Department, for their evaluations prior to the meeting by the Graham County Planning and Zoning Commission.

5. Complete information shall be available to the various departments responsible for reports at least ten working days prior to the meeting at which the Plat shall be evaluated.

4.7.2.3 Screening

1. All Manufactured Home Subdivisions located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the Subdivision and such adjacent nonresidential uses.

2. Screening shall be required where the subdivision is contiguous with residential properties.

4.7.2.4 Setbacks and Separations

1. Only one manufactured or mobile home shall be permitted on each lot. The front setback shall be 20 feet.

2. Manufactured or mobile homes shall have a side yard of ten feet, and shall be separated from each other and from other buildings and structures by at least 20 feet.

3. Rear setbacks shall be ten feet from adjoining lots and 15 feet from the neighboring property lines.

4. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch, which has a floor area exceeding 25 square feet shall, for purposes of all separation requirements, be considered to be part of the mobile home.

4.7.2.5 Lots

1. The minimum width of a lot shall be 50 feet wide and the minimum depth shall be 100 feet.
2. Lots shall be designated and marked by a street number.
3. Measured lot width and depth are the perpendicular distance between the front and rear lot lines and the side lot lines respectively.
4. Each lot shall be accessible from an approved street or road.
5. Each lot shall be clearly marked as to its corners.

4.7.2.6 Manufactured or Mobile Home Stands

1. The site of the manufactured or mobile home shall provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.
2. The manufactured or mobile home stand shall not heave, shift, or settle unevenly under the weight of the manufactured or mobile home due to forced action, inadequate drainage, vibration, or other forces acting on the structure.
3. The manufactured or mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelet's imbedded in concrete foundations or runways, screw augers, arrow head anchors, or other devices securing the stability of the manufactured or mobile home.
4. Anchor and tie-downs shall be placed at least at each corner of the manufactured or mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

4.7.2.7 Parking

1. Two off-street parking spaces shall be provided for each lot in the Manufactured Home Subdivision.
2. Additional parking space for visitors may be required depending on the design of the Subdivision, where it is located, surrounding development, and potential for growth.

4.7.2.8 Streets and Accesses

1. Intersections shall be designed to permit safe and easy turning movements of a manufactured or mobile home unit.
2. Plantings and Subdivision structures shall be set back at least 20 feet from all boundary streets and street intersections.
3. Entrances to Manufactured Home Subdivisions shall be designed to minimize congestion and hazards. The free movement of traffic on adjacent streets to and from the entrance should not be restricted.
4. Street widths shall not be less than 50 feet in order to provide two driving lanes and visitors parking. All streets shall meet the specifications set forth in this Ordinance.
5. Dead-end streets shall be limited to serve no more than eight mobile home sites and shall be provided at the closed end with a turn-around, Cul-De-Sac, having an outside edge of paved roadway diameter of at least 70 feet.
6. The main Subdivision road shall be continuous from the public road through the Subdivision to a public road.

4.7.2.9 Utilities

1. Major utilities such as water, sewerage, and electricity shall be provided according to the requirements of the County.
2. Water and electrical connections and service shall be installed in accordance with acceptable engineering and electrical standards. Utilities shall be located underground.
3. Refuse and sewage disposal shall be provided in accordance with Graham County Health Department regulations.
4. A manufactured or mobile home without inside toilet and bath are prohibited in a Manufactured Home Subdivision.

4.7.3 Manufactured Home Park

4.7.3.1 General Requirements

1. Manufactured Home Parks are high density areas and have a high occupancy turnover and they should be located adjacent to, or not more than one-eighth of a mile from an arterial or collector road.
2. Manufactured Home Park shall be located in areas of flat or gently sloping lands so as to facilitate the problems of moving and leveling the manufactured home onto the lot. Access should be by surfaced streets of low gradients. The ground surface in all parts of every Manufactured Home Park shall be graded and equipped to drain all surface water in a safe, efficient manner.
3. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or to the health or safety of the occupants.
4. The site shall not be exposed to objectionable smoke, noise, odors, and other adverse influences. No portion shall be subject to sudden flooding or erosion. Nor shall the site be used for any purpose which would expose persons or property to hazards.
5. The application and improvement plans for a Manufactured Home Park will be evaluated by the Graham County Planning & Zoning Commission per Section 6.0, Development.
6. The plans shall fulfill the requirements for facilities and other regulations of the State Department of Environmental Quality and County Health Department, and any other agencies, which may have jurisdiction over them. If the requirements of any of these jurisdictional agencies are more restrictive than the Commission's requirements, those requirements shall be included as a condition for approval by the Graham County Planning and Zoning Commission.
7. Any changes in design after approval by the Commission shall invalidate that approval and the plan shall be reprocessed as a new proposal.

4.7.3.1 General Requirements (Continued)

8. The pre-requisite to the operation of any Manufactured Home Park shall be the payment of an Initial Permit Fee. This Fee shall be \$15.00 plus the sum of \$2.00 for each mobile home lot situated or to be situated within the Manufactured Home park. It shall be unlawful to operate a Manufactured Home Park without first paying the Initial Permit Fee.

9. Open storage of materials or belongings other than boats and vehicles is prohibited.

10. The maximum number of units per acre for a Manufactured Home Park shall be eight. Manufactured Home Parks shall be a minimum of three (3) acres.

11. No part of the Manufactured Home Park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of Park residents and for the management and maintenance of the Park.

4.7.3.2 Application of Initial Permit

1. All applications for a Initial Permit shall contain a map of the Manufactured Home Park which will have the name and addresses of the applicant, property owner (if different), designer, and engineer. The map should also contain the location and legal description of the Manufactured Home Park.

2. The map should also have complete engineering plans and specifications of the proposed Park as follows:

- a. The area and dimensions of the tract of land.
- b. The number, location, and size of all lots, each lot shall be numbered, and the dimensions shown.
- c. The location and width of roadways and walkways.
- d. The location of water and sewer lines, and riser pipes.
- e. Plans and specifications of the water supply and refuse and sewage disposal facilities.
- f. Plans and specifications of all buildings constructed or to be constructed within the Manufactured Home Park.

4.7.3.2 Application of Initial Permit (Continued)

- g. The location and detail of lighting and electrical systems.
3. Five copies of the Plan Map shall be submitted to the Planning Director to be distributed to the County Health Department and County Engineer for their evaluation prior to the meeting by the Graham County Planning and Zoning Commission.
4. Complete information shall be available to the various departments responsible for reports at least ten working days prior to the meeting at which the plan shall be evaluated.

4.7.3.3 Screening

1. All manufactured homes located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary lines separating the Park and such adjacent nonresidential uses.
2. Screening may be required where the Park is contiguous with residential properties.

4.7.3.4 Setbacks and Separations

1. Manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet.
2. Only one manufactured home shall be permitted on each lot.
3. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch which has a floor area exceeding 25 square feet shall, for purposes of all separation requirements, be considered to be part of the mobile or manufactured home.

4.7.3.5 Lots

1. The minimum width of a lot shall be 40 feet and the minimum depth shall be 100 feet.
2. Lots shall be designated and marked by a number.
3. Measured lots width and depth are the perpendicular distance between the front and rear lot lines and the side lot respectively.

4.7.3.5 Lots (Continued)

4. Each lot shall be accessible from an approved street or road.
5. Each lot shall be clearly marked at its corners.

4.7.3.6 Manufactured or Mobile Home Stands

1. The area of the manufactured or mobile home shall provide adequate support for the placement and tie-down of the mobile or manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.
2. The manufactured or mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile or manufactured home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.
3. The manufactured or mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men" eyelet's imbedded in concrete foundations or runways, screw augers, arrow head anchors, or other devices securing the stability of the mobile or manufactured home.
4. Anchors and tie-downs shall be placed at each corner of the manufactured or mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

4.7.3.7 Parking

1. Two off-street parking spaces shall be provided for each lot in the Manufactured Home Park.
2. Common areas for parking of travel trailers and boats shall be conveniently located within the Manufactured Home Park and such areas shall be protected from the general public and well screened from adjoining lots.
3. Additional parking space for visitors may be required depending on the design of the Park, where it is located, surrounding development and development potentials.

4.7.3.8 Streets and Accesses

1. Intersections should be designed to permit safe and easy turning movements of a mobile home unit.
2. Plantings and Park structures shall be set back at least 20 feet from all boundary streets and street intersections.
3. Entrances to Manufactured Home Parks shall be designed to minimize congestion and hazards. The free movement of traffic on adjacent streets to and from the entrances should not be restricted.
4. No entrance to a Manufactured Home Park shall be located closer than 50 feet to the intersection of two streets.
5. Pavement widths shall not be less than 32 feet in order to provide two driving lanes and visitors parking. All streets shall be surfaced to provide adequate surface drainage and to prevent dust and mud holes.
6. Dead-end streets shall be limited to serve no more than eight mobile or manufactured home sites and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet.
7. The main Park road shall be continuous from the public road through the Park to a public road.

4.7.3.9 Utilities

1. Major utilities such as water, sewerage, and electricity shall be provided either by public or private utility companies or provided for and maintained within the Park by the owner and developer.
2. Water and electrical connections and service shall be installed in accordance with acceptable engineering and electrical standards. Utilities shall be located underground.
3. Refuse and sewage disposal shall be provided in accordance with County Health Department regulations.
4. A mobile home without inside toilet and bath shall be prohibited in a Manufactured Home Park.

4.7.4 Travel Trailer Park

4.7.4.1 General Requirements

1. Travel Trailer Parks shall be allowed only in the land use in which they are specifically permitted after obtaining an Initial Permit.
2. All Travel Trailer Parks shall abut upon an Arterial or Major Street as defined in Subsection 3.9 of this Ordinance.
3. No entrance to a Travel Trailer Park shall be through a residential land use.
4. The Park site shall not be exposed to objectionable smoke, noise, odors, and other adverse influences. No portion shall be subject to unpredictable and sudden flooding or erosion. Nor shall the site be used for any purpose, which would expose persons or property to hazards.
5. The applications and improvement plans for Travel Trailer Parks will be evaluated by the Graham County Planning and Zoning Commission per Section 6.0
6. The plans shall fulfill the requirements for facilities and other regulations of the State D.E.Q and County Health Department, and any other agencies, which may have jurisdiction over them. If the requirements of any of these jurisdictional agencies are more restrictive than the Commission's requirements, those requirements shall be included as a condition for approval by the Graham County Planning and Zoning Commission.
7. The pre-requisite to the operation of any Travel Trailer Park shall be the payment of an Initial Permit Fee. This fee shall be \$15.00 plus the sum of \$2.00 for each travel trailer space situated, or to be situated within the Travel Trailer Park. It shall be unlawful to operate a Travel Trailer Park within Graham County without first paying for the Initial Permit Fee.
8. No part of the Travel Trailer Park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of Park residents or for the management and maintenance of the Park.

4.7.4.2 Application for a Use Permit

1. All applications for a Use Permit shall contain a map of the Travel Trailer Park, which will have the name and addresses of the applicant, property owner (if different), designer, and engineer. The map should also contain the location and legal description of the Travel Trailer Park.
2. The map should also have complete engineering plans and specifications of the proposed Park as follows:
 - a. The area and dimensions of the tract of land.
 - b. The number, location, and size of all trailer spaces. Each space shall be numbered and the dimensions shown.
 - c. The location of water and sewer lines, and riser pipes.
 - d. The location and width of roadways and walkways.
 - e. Plans and specifications of the water supply and refuse and sewage disposal facilities.
 - f. Plans and specifications of all buildings constructed or to be constructed within the Travel Trailer Park.
 - g. The location and detail of lighting and electrical systems.
 - h. Proposed plans for parks, playgrounds, and other open space.
 - i. Proposed location for the service facilities.
 - j. A generalized landscape plan.
3. Five copies of the Plan map shall be submitted to the Planning Director to be distributed to the County Health Department and the County Engineer for their evaluation prior to the meeting of the Graham County Planning and Zoning Commission.
4. Complete information shall be available to the various departments responsible for reports at least ten working days prior to the meeting at which the Plan shall be evaluated by the Commission and subsequently approved by the Board.

4.7.4.3 Setbacks and Separations

1. Travel Trailers shall be separated from each other and from other buildings and structures by at least 20 feet.
2. Only one travel trailer shall be permitted on each space.
3. The front setback shall be 20 feet, the side setbacks shall be 10 feet; and the rear setback shall be 7 feet.
4. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, and porch, which has a floor area exceeding 25 square feet shall, for purposes of all separation requirements, be considered to be part of the travel trailer.

4.7.4.4 Trailer Spaces

1. The minimum width of a space shall be 30 feet and the minimum depth shall be 60 feet.
2. Trailer spaces shall be designated and marked by a number.
3. Each space shall be accessible from an approved street or roadway.
4. Each space shall be clearly marked at its corners.

4.7.4.5 Streets and Accesses

1. Gridiron patterns should be avoided and intersections should be designed to permit safe and easy turning movements of a travel trailer.
2. Plants and Park structures shall be set back at least 20 feet from all boundary streets and street intersections.
3. No entrance to a Travel Trailer Park shall be located closer than 50 feet to the intersection of two streets.
4. Entrances to Travel Trailer Parks shall be designed to minimize congestion and hazards. The free and safe movement of traffic on adjacent streets to and from the entrances of the travel trailer park should not be restricted.
5. Pavement widths shall not be less than 32 feet in order to provide two driving lanes and visitors parking.

4.7.4.5 Streets and Accesses (Continued)

6. All streets shall be surfaced to provide adequate surface drainage and to prevent dust and mud holes.
7. Dead-end streets shall be limited to serve no more than eight travel trailer spaces and shall be provided at the closed end with a turn-around, Cul-De-Sac, having an outside roadway diameter of at least 50 feet.
8. The main Park road shall be continuous from the public road through the Park to a public road.

4.7.4.6 Utilities

1. Major utilities such as water, sewerage, and electricity shall be provided either by public or private utility companies, or provided for and maintained within the Park by the owner and/or the developer.
2. Water and electrical connections and service shall be installed in accordance with acceptable engineering and electrical standards. All Utilities shall be located underground.
3. Refuse and sewage disposal shall be provided in accordance with the County Health Department Regulations.
4. The Service Building to accommodate the sanitation facilities shall be according to the Rules and Regulations of the Arizona State Department of Environmental Quality on, "Water Supply, Sewage Disposal, and Garbage Collection and Disposal Facilities for Trailer Coach Park," Arizona Revised Statutes, Title 36, Chapter 1, Section 36-105, Article 2, Part V, August 17, 1962.

4.8 - MULTIPLE-FAMILY RESIDENTIAL OR "R-M" LAND USE (10,000 square feet minimum lot size)

4.8.1 Special Provisions

1. The number of units permitted for each lot or parcel will depend on the sanitation disposal facilities available, parking and maneuvering area, and location of streets or roads and the nature of adjacent land use. All proposed multi-unit dwellings shall have their plans approved by the Planning Department prior to the issuance of any permit.
2. All applicable provisions of sections 5.1, 5.2 and 5.3 shall apply to this land use.
3. Only duplexes or single-family dwellings may be constructed within fifty feet of an "R-6" or "R-1" land use when the different land use are contiguous.

4.8.2 Uses Permitted

1. Multiple family dwellings, group dwellings such as cooperative apartments, condominium projects, town house or patio house developments, single-family dwellings, duplexes, professional offices, office buildings, commercial dwellings and other uses similar to the above and accessory uses and buildings incidental to any of the above uses and all uses conducted within the same building.
2. Churches, libraries, museums, schools, hospitals, parks, and playgrounds, and public and quasi-public buildings.
3. Advertising display signs relating to the on-premises uses.

4.9 SPECIAL DEVELOPMENT "SD" LAND USE

4.9.1 Special Provisions

1. Special Development Land Use will be used in combination with R, C, or M Land Use classifications and will be permitted only where parcels of land of three (3) acres or more are under singular or joint planned developments. The land use proposal must be acceptable to the Commission and recommended to the Board by the procedures as required by this Ordinance and ARS where applicable. This includes public hearings by both the Planning and Zoning Commission and Board of Supervisors and approval of the Land Use Plan by the Board.
2. When an "SD" Land Use is granted, each phase or stage of development of building proposals shall be submitted to the Planning Staff, to be evaluated and compared with the original plan before any permits may be granted.
3. That ultimate division of land under "SD" Land Use must comply with the Plat as approved by the Board.

4.9.2 Uses Permitted

1. When an "R(SD)" - Residential (Special Development) Land Use is granted, the property uses may be designed to contain a mixture of single-family dwellings (including town houses, condominiums, cooperative apartments, or patio houses), duplexes, multiple dwellings, (either single story or multi-story) churches, libraries, museums, schools, hospitals, parks, playgrounds, and public and quasi-public buildings. The proposed structures may be arranged individually, in groups, or clusters without regard of lot areas for immediate density as long as an appropriate amount of land to comply with overall minimum densities is provided under indivisible joint ownership of all the property owners for recreation or open space.
2. "R-MH (SD)" - Residential Mobile Home, Special Development shall conform to all of the requirements of this Ordinance related to it.
3. When "C(SD)" - Commercial (Special Development) Land Use is granted, the property may be designed to contain a mixture of commercial and multiple residential uses appropriate to a commercial area of complex or shopping center with a provision for parking proportional to the needs proposed.

4.9.2 Uses Permitted (Continued)

4. When "M(SD)" - Manufacturing (Special Development) is granted, the property may be designed to contain a mixture of commercial and industrial uses appropriate to an industrial park with provisions for parking suitable to the needs proposed. Depending on contiguous land uses, residential uses may be a part of "M(SD)" Development.

4.9.3 Setbacks and Area Requirements

1. Setbacks, Area requirements and Parking shall be provided for and contained within the approved design.

4.10 - COMMERCIAL RECREATION "C-RE" LAND USE (one acre minimum lot size)

4.10.1 Special Provisions

1. Residential uses shall comply with their respective residential yard requirements.

2. All applicable provisions of Sections 5.1, 5.2, and 5.3 shall apply to this Land Use.

4.10.2 Uses Permitted

1. Any uses permitted as in A-R or R-20 Land Use.

2. Parks, playgrounds, recreational areas or camps and golf courses.

4.10.3 Conditional Uses

1. Commercial activities associated with and an integral part of any of the above activities, motels, mobile home parks, resort facilities, country clubs, private riding clubs, parking facilities and all other activities of similar nature and as necessary for the operation and maintenance of the various facilities.

2. Churches, schools, hospitals, public, and quasi-public buildings and uses of similar purposes.

4.11 NEIGHBORHOOD COMMERCIAL "C-1" LAND USES (10,000 square feet minimum lot size)

4.11.1 Special Provisions

1. Residential uses shall comply with their respective residential yard requirements.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this land use.
3. Lots less than one acre may have forty five (45) foot minimum front setback for parking in lieu of other off street parking provisions.

4.11.2 Uses Permitted

1. Any use permitted in any "R-1" Land Use without a Conditional Use Permit.
2. Retail services conducted in a building except automobile service stations and establishments which dispense alcoholic beverages to be consumed on premises and other similar uses that by their service create objectionable noises, odors, and lights at hours incompatible with the nature of a residential area.
3. Signs appurtenant to any permitted use if that use is being conducted on the property on which the sign is located.

4.12 GENERAL COMMERCIAL "C-2" LAND USE (10,000 square feet minimum lot size)

4.12.1 Special Provisions

1. Residential uses shall comply with their respective residential yard requirements.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to his and use.
3. Lots less than one acre may have forty five (45) foot minimum front setback for parking purposes in lieu of other off street parking provisions.

4.12.2 Uses Permitted

1. Any use permitted in a "C-1" Land Use.
2. Any retail use not listed or inferred to in the "C-M" Land Use.

4.13 COMMERCIAL MANUFACTURING “C-M” LAND USE (one acre minimum lot size)

4.13.1 Special Provisions

1. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this Land Use.

4.13.2 Uses Permitted

1. All retail commercial operations including commercial recreational facilities.
2. Wholesale stores and storage within a building, warehousing, mortuaries, nurseries, petroleum bulk plants.
3. Animal hospitals, automobile repair shops, cleaning and dyeing establishments, creameries, laundries, outdoor markets, outdoor sales establishments, pet shops, public garages, theaters, used car sales lots, and other uses of similar nature.
4. Small manufacturing or fabrication plants which are of a similar nature to other uses permitted and produce no obnoxious smokes, odors, noises, lights or other irritations.
5. Public utility buildings, yards, storage areas and facilities.
6. Accessory uses and buildings incidental to any of the above uses.
7. Any billboards or outdoor advertising structures.
8. One dwelling unit, manufactured or mobile home for a watchman or caretaker and family.
9. Schools, churches, public buildings, and quasi-public buildings.
10. Sexually Oriented Business see Article 7 of this Ordinance.

4.13.3 Conditional Uses

1. Any additional structure, which is built wholly or in part for single-family dwellings, such as a duplex or multi-family residential purposes or any building remodeled or moved in for residential purposes.

4.14 GENERAL MANUFACTURING "M" LAND USE (five acres minimum lot size)

4.14.1 Special Provisions

1. Where adjacent to a non-industrial land use, a fence or vegetation screening may be required as a condition of approval of a plot plan for new development.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this land use.

4.14.2 Use Permitted

1. All uses permitted in a "C-M" Land Use without a conditional use permit.
2. All industrial or manufacturing uses other than those specified in Subsection 5.14.2 of this Ordinance.
3. Automobile wrecking yard, junkyard.
4. One dwelling unit, manufactured or mobile home for a watchman or caretaker individual and/or family.
5. Sexually Oriented Business see Article 7 of this Ordinance.

4.14.3 Conditional Uses

1. All additional structures which are intended, all or in part, to be used for residential purposes.
2. Schools, churches, public buildings, quasi-public buildings.

4.15 UNLIMITED MANUFACTURING "M-X" LAND USES (five acres minimum lot size)

4.15.1 Special Provisions

1. Where adjacent to a non-industrial land use, a fence or vegetation screening may be required as a condition of approval of a plot plan for new development.
2. All applicable provisions of Subsections 5.1, 5.2, and 5.3 shall apply to this land use.

4.15.2 Uses Permitted

1. All commercial and agricultural uses.
2. All industrial or manufacturing uses including canneries, fertilizer plants, refineries, commercial feedlots, meat packing plants, tallow works, **public landfills, solid waste collection sites** and other like businesses.
3. One dwelling unit, trailer, or manufactured or mobile home for a watchman or caretaker, and/or family.
4. Sexually Oriented Business see Article 7 of this Ordinance.

4.15.3 Conditional Uses

1. All additional structures which are intended, all or in part, to be used for residential purposes.
2. Schools, churches, public buildings and quasi-public buildings.

ARTICLE 5.0 LAND USE PROVISIONS

Scope: This section contains general provisions, procedures and restrictions in the regulations of this ordinance. Additionally this section provides control for growth and modifications.

ARTICLE 5 LAND USE PROVISIONS

5.1 GENERAL PROVISIONS

5.1.1 Special Uses

The Planning and Zoning Commission and the Board of Supervisors find that there is a need in Graham County for the issuance of Special Use Permits (SUP) for those uses, which are required for the proper function of the County or constructing a public/private facility. Such uses shall be so conducted that they will not be detrimental in any way to the established economic or social uses and values of adjacent or surrounding properties or to the County.

5.1.1.1 The following uses may be issued a SUP in land uses in which they are not specifically allowed by this Ordinance when such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the General Plan. In each of the following instances, the matter shall be processed as a SUP.

1. Airports or aircraft landing fields, public or private institutions and quasi-public buildings;
2. Cemeteries, columbariums, crematories, and mausoleums;
3. Real estate sales or security offices in conjunction with a subdivision or construction project;
4. The establishment of permanent enterprises involving large assemblages of people or automobiles, including amusement park, circus, open-air theater, race track, recreational center and zoo;
5. Facilities for a governmental or utility entity, such as a wastewater treatment facility, electric or natural gas substation, water treatment facility, telephone or cable television receiving or sending headend; and
6. Such other uses as the Director of Planning deems to be within the intent and purpose of this section.

5.1.1.2 Application for Conditional and Special Use Permits

A complete application shall include:

1. Legal Description of the Property
2. A list by name and title, of all ownership and interest in the property and or proposed organization.
3. A letter of authorization from the property owner, if applicable.
4. Applicable permit fees.
5. A preliminary development plan in accordance with Section 6.0 indicating all intended uses.
6. A signed petition of all property owners within three hundred (300) feet of the area applying for the special or conditional uses.
7. Other authorizations and information that may be needed in order to process this application.

5.1.1.3 Review process by the Planning and Zoning Commission The County Planning and Zoning Commission shall after holding a duly noticed public hearing recommend any of the uses noted-above or as prescribed in some land use zones, when found in the interest of the public health, safety and general welfare of the community and surrounding areas:

1. The Planning and Zoning Commission shall consider an application to schedule a public hearing at the next regularly scheduled meeting, if the completed application is received at least ten (10) working days prior to the next scheduled meeting.
2. The Planning and Zoning Commission shall recommend approval or disapproval of the permit request including any and all conditions by means of a recommendation to the Board of Supervisors.

5.1.1.3 Review process by the Planning and Zoning Commission (Continued)

3. On receipt of the recommendation from the Commission regarding a request for a CUP or SUP, the Board shall set a Public Hearing to be held within thirty (30) days. Within thirty (30) days after the date of the Public Hearing, the Board shall meet to consider the recommendation of the Commission and may consider any action they deem appropriate, including establishing any conditions that they decide are necessary. The Board may establish any conditions it feels are necessary for approval.

4. No person shall apply for a CUP or SUP for the same use on the same plot or lots within a period of six (6) months from the date of final decision or denial of such previous application, except in cases where re-zoning or extraordinary circumstances have caused a need for re-evaluation, as determined by the Planning and Zoning Director or County Manager.

5.1.2 Building Site

Any lot or parcel of land under one ownership and of record and where no contiguous land is owned by the same person on the effective date of this Ordinance may be used as a building site even when consisting of less area or width than that required by the regulations for the land use in which it is located, but each building site must meet any requirements for the County Departments and Ordinance with regards to sanitary needs.

5.1.2.1. Any water or communications tower, or other structure where a large weight would be supported by supports, legs, or structural wall shall be so located that, if it should collapse, its reclining length would still be contained on the property on which it was constructed.

5.1.2.2. Flammable Storage for an above ground storage facility of flammable fluids, or of any substance that could damage or injure persons or properties, if not contained, shall require a non-flammable or impervious retaining wall with adequate capacity, strength or porosity, to contain the contents of the storage facilities if the storage units are filled to capacity.

5.1.2.3 If more than one lot or a portion of a lot(s) are used as a building site, setbacks will be considered for the combined areas as a "lot" for the use approved thereon as long as it qualifies as a building site.

5.1.3 Special Front Yard Setback Option

1. In circumstances where groups of existing residential and commercial development do not conform to the front yard setbacks as specified in this section as measured from the front yard property line, the Commission may make maps of such areas showing the existing setbacks based on all structures established prior to the passage of this Ordinance.
2. The proposed maps shall be set for Public Hearing and referred to the Board; and if approved by the Board and where no official future County Road Plan lines are of record, the setbacks on the special map shall prevail.
3. These setback maps shall be the official guide for front yard setbacks utilized by staff and the Director or Zoning Inspector.
4. In those locations where special front yard setback maps do not exist, action for establishing them may be initiated in the same manner as provided for amendments in these regulations.
5. Where front yard setback maps are of record, they shall be combined with detailed land use maps when such are approved or setback lines may be approved as part of the Land Use Map.

5.1.4 Garages and Carports

Garages and carports shall be located not less than twenty (20) feet from any street frontage where the garage door or carport opening faces the street. When yard requirements permit or require different setbacks, such setbacks shall apply.

5.1.5 Nuisance Easement (Odor, Noise, Other Pollutants)

1. In a situation where there is an existing M-X Land Use and a subdivider or property owner wishes to build a residential area within a half mile radius of this land use, the owner and/or the builder shall be required to furnish a Nuisance Easement to the owner (s) of the M-X operations prior to issuing a building permit.

5.1.5 Nuisance Easement (Continued)

2. In a situation where a property owner wishes to rezone his property to a M-X Commercial Land Use and this property is adjacent to residences, then a Nuisance Easement may be required from the persons or organizations owning 51 percent of the real property within a 1,000 feet radius of the proposed land use, as determined by the Planning and Zoning Director and/or the Commission.

5.1.6 Non-Conforming Uses

1. Extent of Continuance. The lawful use of land, building, or structures existing at the time of the adoption of this Ordinance in August 4, 1969 or as of the adoption date for any subsequent revision, although such use does not conform to the regulations specified for the land use in which such land is located, may be continued provided that no such use shall be enlarged or increased nor be extended to occupy a greater area than that occupied, by such use at the time of the adoption dates noted above, except as provided by ARS 11-830.

2. Non-conforming use shall only apply to the specific use in effect at the time the applicable land use became effective. If a non-conforming use is discontinued for a period of six (6) months, it shall be considered as discontinued permanently and may not be re-established as a non-conforming use.

5.1.7 Projections Into Yards

1. Cornices, eaves, sills, buttresses, bases, fireplaces and similar projections:

a. May extend or project not more than three (3) feet into any required front and side yards.

b. Into the required rear yard shall be counted as part of the percentage occupancy of that yard not to exceed three (3) feet.

2. An open unenclosed stairway not covered by a roof or canopy may extend or project as specified in (1) above.

3. An open swimming pool shall not be considered in figuring the percentages of lot coverage.

4. At least one (1) foot must be maintained between the rear yard line and the drip line from any projection or overhang.

5.1.7 Projections Into Yards (Continued)

5. Extensions or projections must adhere to all requirements regarding encroachment on easements or rights-of-way and are expressly forbidden by these regulations. Any such approval inadvertently given does not authorize the encroachment on the easement or right-of-way.

6. Roofed, open sided patios, but otherwise unenclosed, which are attached to and are a part of the main building may extend or project into the required rear yard provided that such patio, together with all detached accessory buildings shall not exceed fifty percent (50%) of the area of the required rear yard.

5.1.8 Location of Accessory Buildings

1. Detached accessory buildings:

a. May be constructed anywhere the main building would be permitted.

b. Shall not be closer than twenty (20) feet to the main building or five (5) feet to any other accessory building.

c. Shall not encroach on any required front yard or side yard.

d. May occupy no more than fifty percent (50%) of the area of any required rear yard.

2. Visibility at intersections in residential districts on a corner is vital for safety purposes. Therefore, nothing shall be erected, placed, planted, or allowed to grow in such a manner to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots for fifty (50) feet along said property lines from the point of the intersection.

5.1.9 Fences, Walls and Hedges

1. Notwithstanding other provisions of this Ordinance, solid fences, walls and hedges may be permitted in any required front yard or along the front twenty (20) feet from a roadway in the front yard at a height of three feet.

2. An open fence up to five (5) feet in the required front and twenty (20) foot side yards will be allowed, if visibility is not impaired for safe access to roadways. Wire and chain link fences will be considered an open fence when installed without slates, etc.

3. In the required rear and side yard from twenty (20) feet back from the front lot line the fence height will be no higher than six (6) feet.

5.1.9 Fences, Walls and Hedges (Continued)

4. In C-M, M, and M-X Land Use an open fence for security over six (6) feet will be allowed.

5. Utility companies, which are regulated by the Arizona Corporation Commission, will be permitted to place increased fence heights due to national, state or local safety standards.

5.1.10 Mobile or Manufactured Home Regulations

Mobile or manufactured home construction and safety standards adopted by the U.S. Department of Housing and Urban Development (HUD), pursuant to Section 7(D), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D), Title VI, Housing and Community Development Act of 1974 (42 U.S.C. 5401) and amendments thereto, are hereby adopted as the mobile or manufactured home construction and safety standards for Graham County. As of the effective date of this ordinance, the Graham County Zoning Inspector shall not issue an installation permit for any mobile or manufactured home within Graham County unless said structures can be proven to comply with those HUD standards set forth above.

5.1.10.1 This regulation shall also apply to any mobile or manufactured home sought to be issued for the relocation (i.e., from one location to another location on the same property or different property) of any mobile or manufactured home within Graham County. It shall be the responsibility of the permit applicants to demonstrate to the Zoning Inspector that the mobile or manufactured home, for which an installation permit is requested, is in compliance with the HUD standards.

5.1.10.2 Proof of compliance shall include, but is not necessarily limited to:

1. a decal certifying that the manufactured home has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not have been prior to June 15, 1976; or

2. A State of Arizona Insignia of Approval as defined by the A.R.S. Section 34-1172, and its successor, including, but not necessarily limited to, State Rule R4-34-107.

5.2 SETBACKS AND AREA REQUIREMENTS

5.2.1 General Requirements

1. Setbacks for existing developed areas may be established for existing uses. See Subsection 5.1.3 of these Regulations.
2. Any specific provision for setbacks in the sections of this Ordinance shall have precedence over the general setbacks.
3. Distances between dwellings or a dwelling and another main structure on any single lot for all land uses shall be twenty (20) feet where buildings face front to front, rear to rear or front to rear otherwise regular side yards shall apply. Approval for "SD" Land Use shall be according to approval of design.
4. On corner lots the owner shall determine the front of the lot by placement of their dwelling. The twenty (20) foot setbacks for both street frontages may be observed, if conditions warrant it for safety reasons as determined by the Zoning Inspector and County Engineer. Otherwise the secondary frontage may be allowed to have a ten (10) foot setback with permission of the Director.

5.2.2 Specific Land Use and Setback Requirements

1. The table in this subsection outlines various combinations of land use classifications, parcel sizes, and setback requirements. This section will be referenced and utilized when considering establishment of land use.
2. In all land use classifications the following requirements apply to fences, distances from accessory buildings and other residential structures. See following page for site plan example.
 - a. Maximum Height of Fences, Walls and Hedges:
 1. Along front line - 3 feet;
 2. Along front property line for Open Fence - 5 feet;
 3. Front 20 feet of Side Property Line - 3 feet;
 4. Remaining Side and Rear Property Lines - 6 feet.
 - b. Accessory Buildings - Minimum Distance from other accessory buildings/structures - 5 feet
 1. No structure shall encroach on any front or side Yard

5.2.2. Specific Land Use and Setback Requirements (Continued)

2. Side Setback in Rear Yard - 10 feet
3. At Rear Property Line - 1 foot drip line from any projection or overhang to the rear property line.
4. An open unenclosed stairway not covered by a roof or canopy may extend or project into the required rear yard.
5. Roofed, open side patios, but otherwise unenclosed, which are attached to and are a part of the main building may extend or project into the required rear yard.
6. Plot plan sketch to any scale showing setback from property lines in front, side and rear yards with accessory buildings showing distances between buildings from main structure are required when applying for a building permit.
7. A floor plan drawing is required and in case of a multiple story unit, a floor plan and elevation for each story is required.

LAND USE CLASSIFICATION, PARCEL SIZE AND SETBACK TABLE

ZONE	MINIMUM LOT AREA	MAXIMUM HEIGHTS	MINIMUM PROPERTY SETBACK LINES IN			% OF LOT OCCUPANCY
			FRONT	SIDE		REAR
A	1 Acre	2 (30 ft.)	20	10	25	40%
A-R	1 Acre	2 (30 ft.)	20	10	25	40%
R-20	20,000 sq. ft.	2 (30 ft.)	20	10	25	40%
R-E	20,000 sq. ft.	2 (30 ft.)	20	10	25	40%
R-6	6,000 sq. ft.	2 (30 ft.)	20	10	25	50%
R-1*	10,000 sq. ft.	2 (30 ft.)	20	10	25	50%
R-MH**	5,000 sq. ft.	1	20	10	10	60%
R-M**	10,000 sq. ft.	3 (40 ft.)	20	10	15	70%
SD**	*****	*****	**	**	**	****
C-RE	1 Acre	2 (30 ft.)	20	10	25	50%
C-1**	10,000 sq. ft.	3 (40 ft.)	45	--	--	100%
C-2**	10,000 sq. ft.	3 (40 ft.)	45	--	--	100%
C-M**	1 Acre	-----	--	--	--	100%
M**	5 Acres	-----	--	--	--	100%
M-X	5 Acres	-----	--	--	--	100%

* Mobile or Manufactured Homes Prohibited

** To be determined with approval of design

The intent of the provision is to encourage flexibility of design that will enable a developer to take advantage of the most desirable site areas of the parcel in question without being restricted to lot size and densities for the more favorable site areas as long as the overall densities of the entire tract conform to their minimum land use requirements. See Subsection 4.8 (Regulations for Special Development of "SD" Land Use) and Subsection 6.6 (Special Development Subdivision).

***Where permitted in connection with a Special Development (SD) Land Use lot size of 4,000 square feet may be approved.

5.3 PARKING REQUIREMENTS

5.3.1 Two (2) automobile off-street parking spaces shall be provided for each residence or dwelling.

5.3.2 Off-street parking spaces (at least two per basic rental unit), shall be provided for commercial dwellings.

5.3.3 Each single unit or cluster of commercial facilities and developments in a commercial land use shall provide off-street parking for the needs of their business and for employee parking needs. At least three (3) square feet of parking area for every square foot of usable floor area should be provided, for lots greater in area than one acre. For lots less than one acre in area, one parking space shall be required for every 300 square feet of gross floor area.

5.3.4 Parking may be provided on contiguous property where provisions are made to reserve the property for this use purpose.

5.3.5 Parking may be provided on a joint community basis by either a shopping center or local public or private parking lot.

5.3.6 Off-street spaces for standing, loading, unloading and parking of commercial vehicles shall be provided for each commercial establishment.

5.3.7 Automobile backing and maneuvering area clear of any highway surface and shoulder areas will be provided on all parking lots and parking areas.

5.3.8 Yard setback requirements may be used as parking and loading areas in commercial and industrial land use.

5.3.9 For any church, school, public building, or quasi-public building which is permitted, off-street parking space appropriate for the number of vehicles necessary to transport people for which the facility is designed shall be required. At least one parking space for every four (4) fixed seats shall be provided.

5.4 LEGAL ACCESS

Before a property owner can use a piece of property that can impact another or obtain a building permit, there must be an ability to access that parcel. Legal access is already mandatory for subdividing parcels by State Statutes. It matters not whether the 'legal' access is the one actually used, however it must be available for use should it be required in the future. The following specific access requirements shall apply to development of land under the County's jurisdiction:

1. Legal access to a dedicated street, which is part of the County roadway system, is required for all sites being developed or building permits can not be issued. This access shall be twenty four (24) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty four (24) feet. Unless otherwise specified, access may be provided by direct frontage onto a public street, a permanent private easement of record for ingress and egress, or a valid court order recognizing a private right to use an existing private roadway.
2. New non-residential uses shall that generate added traffic must also have a permanent legal access of twenty four (24) feet to accommodate the traffic. Additional review of what type and condition of the road that this access connects onto in the County road system will be reviewed to minimize impact for residential neighborhoods.

5.5 TEMPORARY USE PERMIT

The Board of Supervisors find that there is a need in Graham County for the issuance of a Temporary Use Permit (TUP) for those temporary uses which are required for the proper function of the County or in the construction of a public/private facility. Such uses shall be conducted that they will not be detrimental in any way to the established economic or social uses and values of adjacent or surrounding properties or to the County. A cash bond may be required with the County Finance Department to defray costs of cleanup of the property by the County in the event the permittee fails to do the same. The following uses qualify for a TUP, including:

1. Temporary batch plant and the parking or storage of soil or other materials;
2. Off-site contractor's equipment yard or warehouse incidental to conducting a public works project, a construction project or subdivision;
3. Establishment of temporary enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, fairgrounds, open-air theaters, race tracks, recreational centers, tent shows or revival meetings;

5.5 TEMPORARY USE PERMIT (CONTINUED)

4. Manufactured or mobile home or travel trailer intended as a temporary residence for up to ninety (90) days or during the construction of a permanent residence or facility for up to twelve (12) months.

5. The placement of a manufactured or mobile home, or travel trailer as a second dwelling to care for an elderly relative.

5.5. 1 A TUP is personal and does not adhere to or run with the land. It is not transferable and it terminates automatically on the date specified on the "permit" or at such time it is found any other specified condition has not been met. A TUP is not a substitute for a zoning clearance or any building or installation permits required.

5.5.2 Application for a TUP shall be made to the Director and include the following items, as determined necessary:

1. Have a copy of the most current deed or legal description of the subject area;

2. A written affidavit of the property owner indicating the temporary use being proposed and acknowledgement of proposed time frame for operation of said use;

3. An accurate site map showing the size and shape of the parcel, the location of all proposed and existing structures, the access and parking areas, an explanation of the method of sewage disposal and any easements or rights-of-way on or adjacent to said property;

4. The written consent of at least 51% of the owners by parcel number of all properties lying within 300 feet of the subject property (this requirement is particularly relevant for establishing any temporary secondary dwelling on a property, whether its to care for an elderly relative, to park a RV for a 90 day stay, or to build a permanent dwelling where greater neighborhood consensus may be required);

5. An explanation of the exact use proposed and the reasons for the request;

6. The written approval from the Health Department for proper sewage disposal, the Highway Department for any parking or safety needs and, if deemed necessary from the Sheriffs Department to address general safety concerns.

5.5.3 Any approval of a TUP shall be made subject to a time limit and other conditions deemed necessary to assure that there will be no adverse effect, including the following issues:

1. Regulation of hours;
2. Regulation of lights;
3. Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and
4. Such other conditions deemed necessary to carry out the intent and purpose of this section.

5.5.4 A temporary residence to construct a permanent residence is to be connected to the permanent sewer service or septic system. If the permanent residence is to utilize a separate system, the septic system utilized for temporary residence is to be removed or filled upon completion of permanent residence.

Installation of temporary residences are to meet all set back and installation requirements of a permanent dwelling. Temporary use must have approval from the County Health Department for sewage disposal method.

1. Temporary Placement with intent to construct residential dwelling,
 - a. Mobile or Manufactured Homes and Recreational Vehicles are permitted on a temporary basis for residential purposes in all Land Use classifications allowing residential dwellings, except those prohibiting mobile or manufactured homes, for a period of up to twelve (12) months with the issuance of a temporary site and installation permit for (Mobile or Manufactured Homes).
 - b. A temporary site permit shall not be issued for a recreational vehicle (as described in Subsection 3.9) unless a site permit has been issued for the construction of a permanent residence on the same property and the sanitary waste disposal system has been reviewed and approved by the Graham County Health Department, and other minimal utility requirements have been provided. The temporary site permit with the intent to construct a permanent dwelling shall be issued by the Planning and Zoning Department concurrently with the issuance of a building permit for the permanent residence.

5.5. 4 (CONTINUED)

The permit, upon application to the Planning and Zoning Department, may be extended for a period of six (6) months. If an extension is required after the first twelve (12) month period has expired without an approved extension, an appeal to the Planning & Zoning Commission then to the Graham County Board of Supervisors may be made by the applicant. The temporary mobile/manufactured home or recreation vehicle shall be removed from the property after the expiration of the temporary site permit.

2. Temporary Site Permits for Extended Visitors

A temporary permit not to exceed ninety (90) days from the date of issuance may be issued to those persons who may be classified as extended visitors on parcels of land with an existing dwelling. This temporary site permit shall be contingent upon the applicant providing written authorization that the recreational vehicle will be connected to a County approved waste disposal system. If the applicant does not intend to use an approved waste disposal system, they must provide adequate written assurances to the County that the recreational vehicle will be transported to an approved facility for disposal of sewage.

5.5.5 Appeal

If a TUP is denied by the Director, the applicant may appeal this decision within thirty (30) days to the Planning and Zoning Commission. The Commission's decision will then go to the Board of Supervisors for their approval, which shall be final.

5.6 LAND USE INSPECTION AND ENFORCEMENT

5.6.1 Administration and Enforcement

1. Administration of Graham County Land Use Regulations shall be through a Director, Zoning Inspector or their designees. Enforcement shall be administered by withholding issuance of Building or Land Use Permits.

2. All construction in Graham County should adhere to the standards established in the most recent edition of the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code and the National Electric Code. All construction of commercial and manufacturing facilities, and residential rentals shall be constructed in accordance with requirements of the most recent edition of the Americans with Disabilities Act.

5.6.2 Permit Required

It shall be unlawful to erect, construct, reconstruct, alter, place, or use any building within a Land Use District covered by the Ordinance without first obtaining a Building Permit or appropriate Land Use designation from the Planning and Zoning Department. It is for that purpose the applicant shall provide a sketch of the proposed construction containing sufficient information to show compliance with the Land Use Ordinance. The Inspector shall recognize the limitations placed on his authority by State Laws and shall issue the permit when it appears to fully conform to the Zoning Ordinance. In any other case a Permit may be withheld. A Permit shall be good for one year from the date of issuance in order to start construction. A renewal Permit shall be handled as a new Permit.

1. Building Permit - Prior to issuance of any site or installation permit for a residential dwelling the applicant must provide the County with assurance that an approved septic system required for residential and commercial use is in place or shall be installed before occupancy of this structure is permitted. The Zoning Inspector shall issue a Certificate of Occupancy, after inspection, establishing that the use of said property conforms with the provisions of this ordinance and to insure that all safety and health provisions are met prior to permitting the occupancy of any building or site for residential, commercial use or manufacturing purposes.

2. Conditional Use Permit – Each land use zone allows for various uses or activities designated as Uses Permitted in Article 4 – Land Use Regulations. Some land use zones allow for a Conditional Use, which may under the circumstances of a specific case be permissible, but use in general may not be permitted.

5.6.2 Permit Required (Continued)

The criteria found for various land use activities shall apply with a CUP and any other conditions that the Board deems reasonable to preserve the integrity of a neighborhood. A CUP shall only be valid to the person receiving it and for the specific activity for which it is granted. These requests shall be reviewed by the Commission and must have Board approval.

5.6.3 Violations and Penalties

It is unlawful to erect, construct, reconstruct, maintain or use any land in any Land Use District in Graham County in violation of any of the regulations in the Planning and Zoning Ordinance. Any person, firm, or corporation violating such Ordinance or any part thereof, is guilty of a misdemeanor. Each and every day during which the illegal erection, construction, reconstruction, alteration, placement, maintenance, or use continues is a separate offense.

5.6.4 Enforcement

1. If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, placed, maintained, or any land is or is proposed to be used in violation of this chapter or any Ordinance, regulation, or provision enacted or adopted by the Board under the authority granted by this chapter, the Board, the County Attorney, the Inspector, or any adjacent or neighboring property owner, who is specially damaged by the violation, in addition to the other remedies provided by the law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent or abate or remove the lawful erection, construction, reconstruction, alteration, placement, maintenance, or use.

2. Flood plain and elevation certificates shall be required for construction on all lots, parcels or building sites when it is determined by the County that the site is situated in a floodplain with or without established base flood elevations. Elevation Certificates shall be certified by the County Engineer and/or Floodplain Administrator. Fees shall be according to those specified in the Graham County Floodplain Ordinance available in the County Engineer's Department.

5.7 BOARD OF ADJUSTMENT

5.7.1 Creation and Appointment

There is created, as provided by ARS 11-807, a Board of Adjustment for Graham County. The Board of Adjustment shall be composed of five (5) members, each of whom shall be a resident and taxpayer of the unincorporated area of Graham County. The members of the Board shall be appointed for staggered terms of four (4) years each, except the first members shall be appointed as follows: two members for two (2) years each, two members for three (3) years each, and one (1) member for four (4) years. There shall be one (1) member who resides in each Supervisor's District. No more than two members of the Board of Adjustment may be members of the Planning and Zoning Commission.

5.7.2 Powers

1. The jurisdiction of the Board of Adjustment shall be the unincorporated area of Graham County. The authority of the Board, shall extend only to the interpretation of the Land Use Ordinance, to the granting of Variances and to the adjustment of regulations to overcome practical difficulties and prevent unnecessary hardships in the application of these regulations.
2. The Board of Adjustment shall have the power to:
 - a. Interpret the Land Use Ordinance when the meaning of any word, phrase or section is in doubt, when there is dispute between the appellant and enforcing officer, or when the location of a district boundary is in doubt.
 - b. Allow a Variance from the terms of the Ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the Variance the general intent and purposes of the Land Use Ordinance will be preserved.
 - c. Hear and decide appeals from any order, requirement, decision, grant or refusal of the Zoning Inspector, or the Planning and Zoning Commission, or the Planning Director.

5.7.2 Powers (Continued)

d. Allow a reduction of building site area and yard requirement when, in its judgment, the shape of the building site, topography, the location of existing buildings or other conditions made a strict compliance with the regulations impossible without practical difficulty or hardships; but in no case shall the intent and purposes of this Ordinance be violated by any reduction of its own rules, keep a record of its actions and render periodic reports to the Board of Supervisors and the Planning and Zoning Commission. Any findings, rulings, or decisions of the Board of Adjustment at either a regular or special meeting of the Board shall be fully reported in its minutes.

5.7.3 Procedures Before the Board of Adjustment

1. The Board of Adjustment shall meet as required for the transaction of business. It shall elect its own officers, establish its own rules, keep a record of its action and render periodic reports to the Board of Supervisors and/or the Planning and Zoning Commission. Any findings, rulings, or decisions of the Board of Adjustment at either a regular or special meeting of the Board shall be fully reported in its minutes.

2. Appeals to the Board of Adjustment may be taken by any person who feels that there is an error or doubt in the interpretation of the Ordinance of that due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him. The Appeal shall state whether it is a plea for an interpretation of a Variance and the grounds of Appeal.

Appeals to the Board of Adjustment from action by the Planning and Zoning Commission or the Planning Director shall be made within 60 days of the actions forming the basis for the Appeal, or the Appeal shall be dismissed and no action taken by the Board of Adjustment.

5.7.3 Procedures Before the Board of Adjustment (Continued)

3. Applications requesting any actions by the Board of Adjustment under these Regulations shall be made by the owner or his representative to the Board of Adjustment, in the form of a written application to be sent to the Planning Director.

4. A listing showing the names and address of all persons, firms, or corporations appearing on public records as owning property within the area proposed to be affected by the Variance. The list must include the names of all persons purchasing land under contracts of sale and must be certified as to completeness by the applicant or some other person otherwise qualified by knowledge of the public records. The Planning Director shall determine the completeness of the list before accepting it for filing.

5. A processing fee shall accompany the application (see chapter 3.8).

6. A report of its findings and recommendation, and any condition imposed or required shall be promptly submitted to the Planning and Zoning Commission and the Board of Supervisors.

7. Any person aggrieved in any manner by an action of the Board of Adjustment may within thirty days appeal to the Superior Court, and the matter shall be heard de novo as Appeals from Courts of Justice of the Peace.

8. In addition to the foregoing requirements the following procedures shall apply to any application for a Variance under these Regulations:

a. The Applicant shall submit with the application four copies of accurate plot plans and descriptions of the property involved indicating the proposed use with preliminary outline plans of all proposed buildings.

5.7.3 Procedures Before the Board of Adjustment (Continued)

b. The applicant shall furnish evidence of present intention and ability of the Applicant to proceed with actual construction in accordance with the plans submitted.

c. At the Public Hearing the Applicant shall present a statement and adequate evidence showing:

1. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that land use;

2. That the strict enforcement of the Regulations would create an unnecessary hardship(s) and that the granting of the application is necessary for the preservation and enjoyment of the substantial existing property rights;

3. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

d. In the event the Board of Adjustment disapproves an application, no Permit shall be issued pending further action by an Appeal to the Superior Court within thirty days from the date disapproval is officially entered on the minutes of the Board. If the Court overrules the action of the Board, then the Zoning Inspector shall issue the required Permit without further action by the Board except to hold a further hearing to allow the Board to fix conditions or require guarantees.

e. In approving any variance the Board of Adjustment may designate conditions, which will secure substantially the objectives of the regulations or provisions for which the variance is granted and provide adequately for maintenance of the integrity and the character of the land use.

5.7.3 Procedures Before the Board of Adjustment (Continued)

f. When necessary, the Board of Adjustment may require guarantees, in a form it deems proper under the circumstances to insure that the conditions imposed are being or will be complied with. When a condition under which a Variance has been granted is violated, the approved Variance shall cease to exist and the permit shall become null and void.

5.8 HOUSE NUMBERING AND ROAD NAMING REGULATIONS

These regulations provide for the establishment of an official plan for a coordinated system of Road Names, House Numbers and/or Property Numbers in Graham County and for administering of these regulations.

5.8.1 Road Names or Numbers

1. Official Map

The County Engineer shall prepare a map indicating thereon the assigned names or numbers for all roads within the unincorporated area of the Graham County for Board approval.

When such a map shall have been made and approved by the Board it shall constitute the Official Plan of Road Naming and Numbering. Such map may for convenience be divided into units each separately identified as a portion of the Official Road Plan Map. Units may be adopted or modified separately.

2. Road Name Records

The Commission shall keep a record of the names of all roads in the County. When new names or numbers are proposed by any person or department, the proposal shall be referred to the Planning Department to be checked for duplication, spelling, conformity and property designations.

Duplication of names shall not be permitted in the County. Different names shall not be approved for a proposed road in any geographic area if that road is in effect a continuation of, projection, or could be related in any way to the alignment of an existing named road. Names with similar spellings, pronunciations or meanings may be construed as being duplications in any specific area.

5.8.1 Road Names or Numbers (Continued)

3. Road Name Establishing, Additions or Modifications

a. Road Names, additions or modifications of naming shall be instituted through at least one public hearing held by the Planning and Zoning Department. If after the required notice the Planning and Zoning Department receives an objection of the proposed road naming, then the review and approval of this road name shall go through at least one public hearing held by the Planning and Zoning Commission and one public hearing held by the Board of Supervisors for their approval.

b. Whenever it is necessary to hold public hearings for purposes of road names, the Planning and Zoning Department shall prepare a complete report regarding the background, times a name has been used, and the significance of a name and all other factors within their capacity to compile regarding the name. Hearings may be requested by the Board, or the Commission, on its own, may initiate a report and set a hearing in those areas where names have been given without regard to order, conformity or duplication, or in areas where property numbering is to be required.

c. Road naming shall be established after public hearings or through recording of subdivision maps.

4. Identification Signs

a. It shall be the duty of the Board to establish a standard form and standard placement of signs for identifying all roads as designated by these regulations.

b. When a new subdivision plat is recorded or whenever a road is established otherwise it shall be the responsibility of the subdivider or individual petitioning for establishing the road to provide a sign at their cost, which shall conform to the County Standards for signs and shall include a terminal house number where such have been established.

5.8.1 Road Names and Numbers (Continued)

c. It shall be the duty of the Board to place name signs with terminal house numbers at such intersections or other locations as the Board of Supervisors deem necessary and directs staff. Whenever three (3) or more buildings exist on any access way or easement then a road name shall be required from those property owners along this access, easement or roadway. This sign shall be established at the cost of those property owners along this access and shall be to provide address numbers to these structures on this access way.

d. The name and terminal house numbers shall be obtained from the Planning Department.

5.8.2 Road Naming Designations

1. All continuing public roads shall be called "Drive", "Boulevard", "Road", "Avenue", "Street", "Trail", "Parkway" and when appropriate "Highway".

2. Loop roads may be known as a "Circle", or "Loop", however, such naming is not mandatory; but no other thoroughfare which connects two other streets shall use these designations. (See cul-de-sacs).

3. Connecting Roads are short connecting roads (less than 300 feet long) that tie two streets together by forming a "T" or "Y" intersection and do not continue directly across said roads shall be known as "Ways" and shall be named the same name as one of the two roads it connects. Connecting roads longer than 300 feet may have separate names if not in conflict with other names or they may be called "Ways" as described above.

4. Cul-De-Sacs

a. Cul-de-sacs that extend to a property line as a convenience for further development may be treated in naming as though it were a through road.

b. Long cul-de-sacs (more than 300 feet) may have a separate name from the street of their origin as long as it is not in conflict with existing names of similar alignment, but will not use designations reserved for through roads.

5.8.2 Road Naming Designations (Continued)

c. Short cul-de-sacs (less than 300 feet) shall have the same designated names as the road from which they are served, but shall be known as "Place", "Lane", "Court", "Plaza", or "Circle" (or compatible meaning names). Depending on the design, separate cul-de-sacs of the same road may use the same name with different compass designations as part of the name.

d. When more cul-de-sacs are developed on any given road than there are designations available special naming may be employed if first approved by the Commission.

5. Dedicated pedestrian ways or easements if named shall be called "Path", "Walk" or "Way".

6. Other Naming

a. When necessary, compass designations may be added to sections or segments of existing or future roads where such an addition would be desirable or necessary to eliminate conflict or duplication of house numbering, or where desirable to identify portions of any road which has variable directions is rather extensive in length or in part of an overall numbering or designation system.

b. Other terminology not mentioned or described in this section may be used for roads if the adaptation of such terminology to the County system is justified and compatible with the surrounding area.

7. Point of Beginning

a. When a lesser road connects with one of greater designation the lesser road begins at the right-of-way line of the greater.

b. When two roads of equal magnitude intersect:

1. If a "T" intersection, the road that forms the cross on the "T" shall be determined of greater magnitude.

2. If "Y" or "X" intersection, designation shall be determined by the Planning staff.

5.8.2 Road Naming Designations (Continued)

c. When two roads of different names meet on a curve, to point of beginning for each name shall be the midpoint of that curve.

d. Where necessary, road name points of origin shall be indicated on subdivision maps.

5.8.3 Housing and Property Numbering

1. The Board shall establish a basis of coordinated house and property numbering for Graham County. In order to accomplish this, the Board may designate the County to be separated into different areas each to have its own basis of numbering.

A house or property numbering system in the unincorporated parts of Graham County shall be reviewed by the Commission and approved by the Board in order to be valid or recognized. In order to receive said approval such a system must be reasonably compatible with the County system and it must be possible to convert to the County system beyond the existing limits.

Where an existing system is in effect by an incorporated municipality and records are available to expand this system, the system shall be extended into the unincorporated area for a reasonable distance until it would meet a common point wherein the County numbering system could commence without causing an uncoordinated inter-relationship of numbers.

When numbering is established for any area a cross grid reference with a point of beginning shall be determined. Numbering shall originate from this point of origin and, if necessary, roads shall acquire compass designations.

5.8.3 Housing and Property Numbering (Continued)

2. Number allocations. When established in an area, house or property numbers shall be assigned at 500 numbers to a mile or section as determined by official surveys. The numbers designation shall be strictly separated as follows: 0-125, for the first quarter mile, 126-249, for the second quarter mile, 250-375, for the third quarter mile and 376-499 for the last quarter mile. A standard mile permits 250 odd and 250 even numbers or one number for each 21 feet of property frontage on either side of the road.

In areas wherein it appears that no further property divisions could occur, numbers may be issued consecutively (odd or even) with adjustment to the allocation system made at each intersection. Where township lines are offset from each other and it is desirable to continue the common numbering system then the numbering for each side of the road shall follow the numbering for the section within which it lies. Adjustment of numbering shall be made to the compatible section line, if the township were in exact alignment.

Even numbers shall be used for the North and West side of roads. Odd numbers shall be used for the South and East side of streets. Compass directions and designations shall be determined by the Planning Director and/or County Engineer with Board approval.

3. Odd Sized Sections. When a section has a dimension greater or less than one (1) mile or 5,280 feet, the 500 number units shall remain the same, but the lengths of the units between numbers shall be proportionately adjusted as the case may be. Such adjustment shall be established for each quarter mile of the section wherever the difference in measurement may have been applied in establishing the section.

4. Diagonal Roads. Wherever a road is diagonal to the sectional grid pattern, the general compass direction of the road shall be determined and numbering proportional along such diagonal, based on numbers per quarter section wherever the road intersects said quarter section line. If a diagonal road joins a straight road, such numbering shall be a continuation of such straight road wherever feasible.

5.8.3 Housing and Property Numbering (Continued)

5. Curved Roads. In area where roads wander, are curved, or have no determined direction, over their extended length, for purposes of establishing numbers, house numbering shall be based upon quarter sections intercepted by the road. The length and direction of such segment shall be determined by the Planning Director and/or County Engineer with Board approval.

6. Extent of Numbering: All existing dwellings and all structures suitable for or intended for human occupancy at some basis or level shall be issued a number when the area in which it is located shall be so designated for house numbers.

7. Issuance of Numbers: Staff of the Planning and Zoning Department shall determine and issue numbers wherever required. A house number shall be issued with each building permit or land use permit when required where house numbering has been designated.

Existing and new subdivision maps may have a number indicated for each lot or parcel in areas where numbering is in effect. Any numbering system established shall be initiated area wide and a date established for its being mandatory within that area. Numbering shall not be issued sporadically within any area not designated for numbering.

8. Installation of numbers: Numbers shall be determined and assigned by the Director. The display number tabs shall be obtained by each owner and shall be located in such a way and be of large enough size to be seen from the road. Where the structure is back from the road or shielded in some way a second set of numbers shall be placed where it can be seen from the road.

9. Administration:

a. All numbers shall be whole numbers, no fractional numbers shall be assigned.

b. House numbers shall be assigned by written notice to each location. Complete and accurate records of numbers issued and assigned shall be kept in map form and such other forms as the Director may direct.

5.8.3 Housing and Property Numbering (Continued)

c. No department, official, or public employee shall issue, any number which is in conflict with the provisions of these regulations or allow to be used a conflicting number on any permit, license or other public record.

10. Initiation of House or Property Numbering or For Road Name Designations: Request for house or property numbering or road name designation studies may be initiated in any area by one of the following methods.

a. By a direct request of the Board to the County Planning and/or Engineering Departments to commence a particular study.

b. By a petition of property owners or residents in an area directed to the Board for their consideration and action.

c. By a recommendation of the Commission to the Board to authorize the Planning and/or Engineering and/or the Health Departments to commence a study.

5.9 REMOVAL OF PUBLIC NUISANCE

5.9.1 Duty to Remove. The Owner, Lessee or Occupant of real property shall remove or abate a Public Nuisance located thereon within 30 calendar days after being served with a Notice to Abate as provided herein.

5.9.2 Notice to Abate. The Notice to Abate shall be served by the Planning Department, the Health Department or any County Department with jurisdiction over that condition on behalf of the Board not less than 30 days before the date for compliance and shall include the estimated cost of removal if the Owner, Lessee or Occupant does not comply. The estimated cost may be provided by a qualified contractor or may be a good faith estimate by the department initiating the Notice of Abatement.

5.9.3 Service of Notice to Abate. The Notice to Abate shall either be personally served or sent by certified mail to the Owner, Lessee or Occupant at his or her last known address, or the address to which the tax bill for the property was last mailed. If the Owner does not reside on the property, a duplicate notice may be sent to the Owner at his or her last known address.

5.9.4 Appeal of Notice to Abate. Any person receiving a Notice to Abate may appeal to the Board as follows:

1. **Notice of Appeal.** A written Notice of Appeal shall be filed with the Clerk of the Board within 15 days after the Notice to Abate was personally served or actually received by mail (as evidenced by the certified mail receipt).
2. **Contents of Notice of Appeal.** The Notice of Appeal shall state in reasonable detail why the appellant should not be required to comply with the Notice to Abate.
3. **Hearing on Appeal.** Upon receipt of the Notice of Appeal, the Board shall place the matter on the agenda for its next regular meeting. The department, which initiated the Notice to Abate, shall appear to present evidence of the existence of the Public Nuisance. The appellant may present evidence controverting the existence of the Public Nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Board shall hear and decide the appeal, and its decision shall be final.
4. **Extension of Time for Compliance.** If the Board's decision is adverse to the appellant, the date of compliance set forth in the Notice to Abate shall be extended by the number of days elapsing between the filing of the Notice of Appeal and the rendering of the Board's decision, unless the Board decides to extend this date of compliance.

5.9.5 Removal by Board.

It the Owner, Lessee or Occupant fails to remove or otherwise abate the Public Nuisance within 30 calendar days (or such extension as may be granted in writing by the Board or the County Attorney), the Board may, at the expense of the Owner, Lessee or Occupant, remove or abate the Public Nuisance or cause it to be removed or abated; provided, however, that if such removal or abatement is not undertaken within 180 days after the right to do so first accrues, a new Notice to Abate shall be served as provided in paragraph 5.9.3.

5.9.5 Removal by Board (Continued)

1. Cost of Removal. The cost of removal or abatement shall not exceed the estimate set forth in the Notice to Abate. Before undertaking the actual removal or abatement, the department which initiated the Notice to Abate shall attempt to obtain at least three written estimates from qualified contractors (if available locally) and shall accept the lowest such estimate. Alternatively, the removal or abatement may be performed by Graham County personnel, and the cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor, if applicable.
2. Assessment. Upon removal or abatement of the Public Nuisance, the actual cost of removal or abatement shall be an Assessment against the Real Property on which the Public Nuisance was located. The form of the Assessment (setting forth the facts supporting it, as well as the amount) shall be approved by the Board and signed by the Chairman.
3. Notice of Assessment. A Notice of Assessment shall be served in the same manner as the Notice to Abate. The Notice of Assessment may be appealed in the same manner as the Notice to Abate.
4. Recordation of Assessment. If the Owner, Lessee or Occupant fails to pay the Assessment within 30 calendar days after receipt of the Notice to Abate (or any extension as may be granted in writing by the Board or County Attorney), the Assessment shall be delinquent and may be recorded in the office of the Graham County Recorder. The Assessment shall be a lien against the Real Property from and after the date of recordation and shall accrue interest at the statutory judgement rate until paid.

5.9.5 Removal by Board (Continued)

The lien of the Assessment shall be subject and inferior to the lien of general taxes and all prior recorded mortgages and encumbrances.

A. Foreclosure. The Board may, but shall not be obligated to, bring an action to enforce the Assessment lien in the Graham County Superior Court at any time after the recordation of the Assessment. The recorded Assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

B. No Bar to Subsequent Assessments. A prior Assessment under this Ordinance is no bar to a subsequent Assessment, and any number of liens on the same Real Property may be enforced in the same action.

5.9.6 Placing Rubbish, Trash, Filth or Debris on Property of Another with Associated Penalty and Assessment

1. Placing Rubbish, Trash, Filth or Debris on the property of another is prohibited. Any person who places rubbish, trash, filth or debris on any real property not owned by or under the control of said person is guilty of a Class 1 misdemeanor.
2. Liability of Costs. In addition to any fine, which may be imposed pursuant to this section, the person shall be liable for all costs which may be assessed for the removal of the rubbish, trash, filth or debris pursuant to this ordinance.

5.9.7 Non-Exclusive Remedy

The remedies provided for in this Ordinance shall be in addition to any and all other remedies, civil or criminal, available to Graham County pursuant to statute or common law, specifically including those set forth in A.R.S. 13-2908, 36-602 and 49-143.

5.10 SWIMMING POOL REGULATIONS

All private and semi-public pools, spas, etc. shall meet the minimum safety standards of the State ARS 36-1681. Further these facilities shall be enclosed in a fenced or walled enclosure of a design that will not allow passage of a four inch diameter sphere between members. The fence shall not be less than five foot in height, with a gate having a self-closing mechanism and a self-latching catch that may be locked. The pool or spa shall not be less than five (5) feet from the nearest property line.

5.11 BILLBOARD REGULATIONS

Billboards are allowed as permitted uses in the C-M, M and M-X land use classifications and in an A zone with a use permit. The following conditions and restrictions apply to billboards:

1. Billboards shall be located only along arterial roads that are designated as US or State highways.
2. Billboards shall not be located within 1000 feet of another billboard on the same side of the street.
3. A site plan shall be required showing the proposed sign's relation to existing signage to insure the proposed billboard does not impede the visibility of existing signage. Billboard design shall comply with safety standards and sound construction practices.
4. Billboards shall not encroach upon or overhang any public right-of-way or adjacent property. Billboards shall be setback a minimum of three feet (3') from any structure or building on the same parcel, as well as five feet (5') from any adjacent property line.
5. Billboards shall comply with Graham County's light pollution standards as outlined in Article 8 of this Ordinance.
6. ADOT approval shall be received prior to the issuance of any Graham County billboard, sign or building permits.
7. All billboards shall not exceed 400 square feet, shall have a minimum height of 10 feet from the ground to the bottom of the sign and a maximum overall height of 25 feet.
8. Billboards shall be maintained to present a professional appearance and not be allowed to fall into disrepair OR shall be removed at the owners and/or agents expense upon reasonable notice from the County.

5.12 ADMINISTRATIVE ADJUSTMENTS

The purpose of this section is to grant authority to the Director to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations.

5.12 ADMINISTRATIVE ADJUSTMENTS (Continued)

For the purpose of administering this section, an adjustment is any variance to the terms or requirements of this Ordinance, which if granted, would allow the following:

1. A decrease of not more than 10% of the required lot size in a zone.
2. A decrease of not more than 20% of the required width of a side yard or the area between buildings.
3. A decrease of not more than 20% of the required front or rear yard.
4. An increase of not more than 20% in the permitted height of a fence or wall.
5. An increase of not more than 10% of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side or area between buildings.
6. An increase of not more than 10% of the permitted height or areas of signs or billboards.
7. A decrease in the number of parking spaces of not more than 10%.
8. An increase of not more than 10% in the permitted height of buildings.

5.12.1 Applications for an administrative adjustments shall be filed with the Director in the format prescribed by the Director to include the following data and maps:

- a. The name and address of applicant.
- b. A statement that the applicant is the owner or the authorized agent of the owner of the property on which the adjustment is being requested (proof may be required).
- c. An address and legal description of the property.
- d. A statement of the precise nature of and reasons for the adjustment.
- e. An accurate scale drawing of the site and adjacent property affected, showing all existing property lines, locations of structures, parking areas, driveways, other improvements or facilities and landscaped areas.
- f. Other plans, drawings or information that the Director deems necessary to enable proper consideration of the application.
- g. If the request is a setback reduction, a letter approving the adjustment from the affected adjacent property owner(s).

5.12.2 The Director shall make findings of fact that establish that the circumstances necessary for approval/denial of the adjustment do apply. If the Director denies an adjustment request, the applicant may file for a variance with the Board of Adjustment as provided for in Section 5.7.

5.13 Minor Land Division Regulations

For the protection of the Community in general and each successive lot owner specifically, minor land division regulations are established to assure that the division of land complies with applicable zoning regulations and does not constitute a subdivision (six or more land splits when each lot or parcel does not exceed 36 acres in size). Since most subsequent property ownership comes as the result of land divisions, land is divided with little to no forethought of future problems, sometimes creating inadequate lot areas and access to property.

It is the purpose of the minor land division regulations to protect the developer, the successive property owners and the Community by correlating new land developments to land use and to existing or proposed road plans. It is important that each new lot conform to the land use in effect or as modified to insure that each lot is usable and that adequate access is provided to this property and to contiguous parcels.

A minor land division is a division of an existing parcel of land into 2,3,4, or 5 new lots/parcels. If a parcel is assigned an Assessor's Parcel Number, any split into 2 to 5 new lots/parcels is a minor land division. Any split into six or more lots/parcels is a subdivision.

The County is authorized by ARS 11-809 to review minor land divisions.

This section applies to every minor land division in the unincorporated areas of Graham County unless the minor land division is exempt from county regulations by Federal or State law.

5.13.1 Requirements. A minor land division is not a subdivision and is not subject to other provisions of the subdivision regulations. The only requirements for a minor land division are as follows.

5.13.2 Affidavit. When each new lot or parcel in a minor land division is sold or otherwise transferred, the original owner (person who created the minor land division) shall complete and record with the deed or other instrument of transfer a minor land division affidavit in the form approved by the Board of Supervisors. The affidavit shall state whether the lot or parcel has legal access and meets minimum applicable zoning requirements as defined in these regulations. The affidavit shall further state that, if the lot or parcel does not have legal access or meet minimum applicable zoning requirements, any deficiencies shall be prominently noted on the deed or other instrument of transfer.

5.13.3 Failure to Record Affidavit. If the owner fails to record a minor land division affidavit for each new lot or parcel as required by paragraph 1 above, the Graham County Recorder, Assessor or Planning Director shall notify the owner in writing within 30 days after the discovery of the failure. The owner shall record the required affidavit within 15 days after the date on which the notice was mailed to the owner's address as shown in the public records. Failure to record the affidavit within the required 15 days shall be punishable in accordance with the Chapter 3.7 of these regulations.

5.13.4 Legal Access. A new lot or parcel in a minor land division is deemed to have legal access if there is public vehicular access from the new lot or parcel to any point of access on the exterior boundary of the original parcel from which the minor land division was created. In other words, the public must be able to travel by vehicle from the new lot or parcel to the exterior boundary of the original parcel. Public vehicular access may be any of the following.

- A. The dedication of a 24 feet wide (minimum) strip of land from the owner of the original parcel to Graham County for the benefit of the public, on a form approved by the County Engineer and/or County Manager.
- B. A 24 foot (minimum) public easement from the owner of the original parcel to Graham County for the benefit of the public, on a form approved by the County Engineer. A perpetual private easement granted by the owner of the original parcel for the benefit of the new lot or parcel on a form approved by the County Engineer.
- C. A private easement will be considered legal access only if it runs with the land and expressly allows ingress and egress by any utility company providing services to the new lot or parcel, any provider of emergency services (fire, police, ambulance, etc.) to the new lot or parcel, and any public official (building inspector, health inspector, etc.) requiring ingress and egress to the new lot or parcel in connection with the official's lawful duties.

Access that does not meet the requirements of this paragraph is not legal and will require the deficiency to be prominently noted on the deed or other instrument of transfer.

5.13.5 Minimal Applicable County Zoning Requirements. A new lot or parcel within a minor land division is deemed to meet minimum applicable zoning requirements if it satisfies the minimum lot size (square feet or acreage) and the exterior dimensions allow for the required setbacks for construction purposes as required by the Graham County Zoning Ordinance for the zoning district where it is located.

If the new lot(s) or parcel(s) is undersized, the deficiency must be prominently noted on the deed or other instrument of transfer as provided for in A.R.S. 11-809.

5.13.6 Filing of Application. Any applicant proposing a land division shall file Minor Land Division Affidavit application with the Director. The application shall include:

- 1) A legal description of the existing parcel and legal descriptions of the proposed parcels, which indicates access and, if necessary, utility easements;
- 2) A scale map with dimensions showing existing and future parcel lines and all easements. The map shall be of a size and format acceptable to the County Recorder (This requirement may be waived by the Director in areas where quarter-section or east half-west half or north half-south half descriptions are deemed adequate);
- 3) A notice from the Treasurer's Office verifying that all property taxes and assessments are currently paid up on the original parcel from which the new parcel(s) are being created shall be required.

GRAHAM COUNTY MINOR LAND DIVISION AFFIDAVIT

You are required by the Graham County Zoning Ordinance to complete this affidavit when you split a parcel of land into two (2) to five (5) new parcels. This affidavit applies only to parcels in the unincorporated areas of Graham County. *You must fill out an affidavit identifying the new parcel(s) being created*, then return this form to the Planning Department for review. This completed form will be attached to the new deed when it's recorded with the County Recorder.

ORIGINAL PARCEL BEING SPLIT

Assessor's Parcel Number _____. What zone is the ORIGINAL PARCEL? _____.

What size is the ORIGINAL PARCEL (square feet or acreage)? _____.

How many NEW PARCELS is the original parcel being split into? _____. (5 maximum including original)

Are property taxes paid up on the original parcel? Yes ____ No ____ **Treasurer's staff** _____

LEGAL ACCESS TO NEW PARCEL

Each NEW PARCEL must have *Legal Access*, OR the lack of *Legal Access* must be noted on the Deed.

A. Does this NEW PARCEL have *Legal Access*? Yes ____ No ____

B. If yes, is the *Legal Access* a: public dedication ____ public easement ____ private easement ____

C. If no, has the *Legal Access* been shown on the deed? Yes ____ No ____

ZONING FOR NEW PARCEL

Each NEW PARCEL must meet *Minimum County Zoning Requirements*, or the failure to meet minimal zoning requirements must be noted on the deed. (If you don't know the zoning, contact the Planning Department at (520) 428-0410.

Does this NEW PARCEL meet the *Minimum Applicable County Zoning Requirements* for the Zoning District in which it is located? Yes ____ No ____

If no, has the failure to meet *Minimum Applicable County Zoning Requirements* been shown on the Deed? Yes ____ No ____

Reviewed by Planning Official: _____ Date: _____

Comments: _____

VERIFICATION AND ACKNOWLEDGEMENT

We, the owner(s) of the parcel being split as described above, hereby certify under oath that the information set forth above is true and correct.

Owner No. 1's Signature _____ Print Name _____.

Owner No. 2's Signature _____ Print Name _____.

Owner No. 3's Signature _____ Print Name _____.

Owner No. 4's Signature _____ Print Name _____.

Name of Contact _____ Telephone number of Contact _____.

Mailing Address _____ City _____ State ____ Zip Code _____.

State of _____

County of _____

Acknowledgement by _____

before me on ____ (day) ____ (month) ____ (year).

Notary Public

ARTICLE 6.0 DEVELOPMENTS

Scope: This section is to provide procedures, guidelines, and specifications for installation of subdivisions and other developments. These regulations are established to assist the growth in accordance with the general plan and to protect future property owners and the public in general and to minimize the county involvement.

ARTICLE 6 DEVELOPMENT

6.1 General Information On Major Land Division

6.1.1 Purpose

Major land division (six or more divisions) is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivisions of land and developments sooner or later become a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas could be required. The welfare of the entire County is thereby affected in many important respects. It is, therefore, in the interest of the public, the developer and the future property owners that subdivisions be conceived, designed and developed in accordance with sound rules and minimum standards in order to guide and accomplish a coordinated and harmonious development of the area of jurisdiction.

6.1.2 Extent of These Regulations

These regulations shall govern all divisions of land under jurisdiction of the Board. All subdivisions and developments shall be processed according to these regulations.

1. An application for re-zoning shall be included as a condition of acceptance for all preliminary subdivision plans filed with the Commission to insure that the lot sizes conform with zoning requirements. It is the intent of the Board that the zoning designation correspond with actual size of the lots for that subdivision so that any lot splitting would require the re-platting of the subdivision.

2. All new land divisions must comply with the minimum lot areas and other requirements of the Land Use Zoning under which they are classified. In circumstances where individuals in previously approved subdivisions could circumvent the intent and purpose of these regulations by subsequent land divisions then Board approval shall be required like a re-zoning or use permit request.

6.1.3 Tract Numbers

1. These regulations require all new subdivisions of land to have a tract number.
2. Prior to submitting of a preliminary map, a tract number shall be obtained from the Planning Department. A tract number shall be issued to the developer at the time a number is requested. This number shall run with the map as submitted.

6.1.4 Street Names

A list of street names shall be submitted to the Planning Department prior to or with the submission of preliminary plat, to be checked for duplication or conflict.

6.1.5 Pre-Application Procedures for Subdivisions and Developments

In order to avoid unnecessary and costly revisions, the subdivider or developer is urged to consult early and informally with the Planning Director, the County Engineer, the County Health Department, other technical staff, and when appropriate the Commission for advice and assistance before the preparation of the preliminary plat or development plan and formal application for its approval. This will enable him to become thoroughly familiar with various requirements and the zoning regulations that might affect the area.

6.1.6 Compliance with Subdivision Regulations

It is the responsibility of the Owner, Subdivider or Developer to comply with the regulations as outlined in the Development Sections of this Ordinance. If the Planning and Zoning Director finds that these regulations are not being complied with, the Owner, Subdivider or Developer shall be notified by this office and the following time lies for compliance implemented.

1. If after notification by Planning and Zoning staff the Owner, Subdivider or Developer has complied with the requirements of the Development process the subdivision or development shall proceed as if it had originally been complied with by the Owner, Subdivider or Developer.
2. If compliance with these regulations have not been made by the Owner, Subdivider or Developer within thirty (30) working days, a letter shall be sent by first class mail giving the Owner, Subdivider or Developer fifteen (15) working days to comply.
3. If a reply is not received with this fifteen (15) day time frame, the processing of the Subdivision or Development shall be terminated. Once processing is terminated a Subdivision or Development must be resubmitted.

6.2 GENERAL REQUIREMENTS AND PROCEDURES FOR THE PRELIMINARY SUBDIVISION OR DEVELOPMENT PLAN

6.2.1 General

1. The subdivider or his representative shall submit twelve (12) copies of a preliminary subdivision or development plan accompanying information to the office of the Commission.
2. The Planning Director shall accept any plat submitted to him for processing and evaluation. If during processing deviations from the requirements of these regulations are noted the developer or his representative shall be notified of the appropriate action necessary on his part for the continuance of said processing. (See Subsection 6.8).
3. The Preliminary Subdivision or Development Plan shall meet the minimum standards for design and the requirements for the construction of public improvements as set for by this Ordinance.
4. All copies submitted shall be folded to fit within a 9 x 12 inch file folder.
5. The Subdivider or Developer or his representative shall provide a traffic study report to determine the impact on the access roads to the proposed development. If this report determines that additional traffic onto these access roads to the subdivision(s) is beyond its capacity, the Subdivider may be required to participate in upgrades to this off site road system. This shall be limited to any and all impacts to adjacent roadways.

6.2.2 Data Requirements

Form: The Preliminary Plan shall be clearly and legibly drawn to a scale of 1"=200', 100', 50', 40', or 20'. A scale of 1"=100' is preferred **For lots of one half (1/2) to one and one half (1 1/2) acre size. For lots less than one half (1/2) acre, a scale of 1" = 50' or 40' is preferred.** A scale of 1"=200 shall only be accepted for lots greater than one (1) acre in area. **Scales of 1"=30', and 1"=60' and 1"=80' will not be accepted.**

6.2.3 Map Contents:

1. Proposed name and assigned tract number, North point, scale and date of preparation;
2. Names and addresses of the subdivider or developer; owner and designer of the Plan, engineer and surveyor;
3. A sufficient description to locate the proposed subdivision by vehicle;
4. The location, names, width and purpose of all existing or proposed highways, streets, rights-of-way, utilities, easements or drainage channels existing within the proposed subdivision and adjacent or contiguous to it;
5. Approximate boundaries of any and all areas subject to inundation or storm water overflow and the location and width of all water courses in which water may flow continuously, intermittently or sporadically. Arrows should indicate general flow in all watercourses and streets.
6. When lots are greater than one (1) acre, existing contours sufficient to indicate all natural drainage courses for all lots and streets shall be indicated. When any of the lots are less than one (1) acre, the following contour intervals shall be required sufficient to indicate drainage for all lots and streets. Use of most recently published Geological Survey Maps may be acceptable for use in Hydrological Studies and Reports.

Gradual Slopes	0 to 2%	--	2 foot intervals
Medium Slopes	2 to 15%	--	5 foot intervals
Steep Slopes	Above 15%	--	10 foot intervals
7. The approximate lot boundaries (location and dimensions) and the proposed lot number;
8. Acreage of proposed subdivision and number of lots proposed and approximate area of each lot;
9. A location map showing the location of existing roads and existing access to the tract, if any, and proposed access roads, leading into the subdivision, the nature and status of such access road, ownership of lands traversed by the access roads and a statement regarding proposed improvements for the access roads;

6.2.3 Map Contents: (Continued)

10. Each cover sheet or single preliminary plan is to have a vicinity map of the proposed development as 1" to 2,000' placed in the upright corner of the map. Included shall be section lines and major roadways only, no local streets or roadways.

6.2.4 Additional Requirements and Accompanying Statements:

The following material shall accompany the submission of all preliminary plans:

1. Existing uses of land and existing zoning, if any;
2. Proposed use of each lot or parcel and proposed zoning.
3. Application for zoning or re-zoning where applicable;
4. Statement regarding the availability and location of water;
5. Statement regarding the proposed method of sewage disposal;
6. Statement regarding the location of nearest garbage disposal area by road;
7. Statement regarding availability of other utilities;
8. Statement regarding the nature and extent of proposed improvements within the subdivision including roads, access road, sanitary sewer lines, and sewage disposal systems;
9. List of proposed street names;
10. A general summary description of any protective covenants or private restrictions to be incorporated in the Final Plat.

6.2.5 Storm Drainage Control

1. The Subdivider or Developer shall provide a Hydrological Study and report for the proposed development prepared by an Engineer licensed in the State of Arizona. Study and Report is to be submitted with the preliminary plat.
2. Hydrology Study shall determine the impact the proposed development has on storm flows for the hundred (100) year anticipated rain fall intensity.

6.2.5 Storm Drainage Control (Continued)

- a. Report shall indicate source of rainfall data and methods used to determine peak storm flow conditions.
 - b. Study shall evaluate not only conditions of the proposed development site but additionally determine flow capacities of any drainage way traversing the proposed site or adjacent to it in determining the impact on proposed development.
3. Report shall contain:
- a. A topographic map illustrating proposed site, existing drainage ways and basin, and existing anticipated storm flow (peak flows) for the 100-year rainfall.
 - b. A drainage plan indicating the proposed development boundary, anticipated improvements, drainage patterns, drainage structures, limits of 100 year flood elevations outside of curb and gutters of any road.
 - c. Reference to all technical data used to formulate report.
 - d. Recommendation for control methods of storm flows to insure compliance.
4. No anticipated storm flows for the 100-year rainfall shall exceed that of pre-developed conditions for peak flow rate.
5. Maintenance and ownership of any retention / detention basin, drainage structure and drainage ways outside the proposed roadway shall be the responsibility of a private entity, such as an individual or a "Homeowner's Association."
6. No drainage structure shall contain any mechanical and/or electrical components.
7. All drainage control shall prohibit a roadway from traversing longitudinal any storm flows in excess of six (6) inches in depth.
8. All drainage ways and structures shall be designed and constructed to protect against erosion and scour.

6.2.6 Distribution of Maps and Accompanying Material

1. When the Preliminary Subdivision or Development Plan and accompanying material are received by the Planning Director, copies of the subdivision map and accompanying material shall be transmitted to the County Engineer, the County Health Department, the Board, and any other agency which might have an interest in the proceedings. County Departments shall have fifteen (15) working days from the date of deposit to complete and to submit a status report to the Planning Director.

2. When all replies have been received or the specified date of reply reached, Planning staff shall check the Plan for conformance to design requirements of these regulations, State Laws, land use proposed and the County Plan, and prepare a correlated report including replies or comments from all County Departments and other agencies; and if the proposed Plat is in conformance, it shall be set for a hearing before the Commission at their next scheduled meeting.

6.2.7 Commission Hearing and Report Upon Preliminary Subdivision Plan

1. The subdividers or their representatives shall be notified five (5) days prior to a meeting of the time and place set for hearing on the Preliminary Subdivision or Development Plan.

2. The Commission shall, upon said hearing or such further hearing to which said matter may be continued, hear or consider all evidence relating to said Preliminary Subdivision or Development Plan. The Commission shall confer with the owner on changes deemed necessary, if any and the kind and extent of improvements to be made and within thirty (30) days shall submit a report to the Board in the form of a resolution of the Commission.

3. A copy of the report or resolution setting out action of the Commission shall be transmitted within ten (10) **working** days of said action to the Board, subdivider and/or owner and to such departments or agencies as may deemed advisable by the Commission.

4. A copy of the Commission's report shall be filed with the Clerk of the Board together with a copy of the Preliminary Subdivision or Development Plan.

6.2.7 Commission Hearing and Report Upon Preliminary Subdivision Plan (Continued)

5. A subdivider or developer may withdraw his tract or request postponement at any time that a written signed statement is received by Planning Director.

6.2.8 Action by the Board: Preliminary Subdivision Plan

1. On receipt of the resolution by the Commission, the Board shall approve, conditionally approve, or reject the Preliminary Subdivision or Development Plan.
2. In their action of approval. the Board shall specify that minimum County Standards for streets and drainage shall be completed prior to approval of the final map or an agreement shall be arrived at prior to said approval assuring construction of the above improvements. The Board action for approval may be by acceptance of the resolution presented by the Commission.
3. If any other improvements are required at this time, they shall be shall be so specified; otherwise, all improvements other than roads, monuments and drainage facilities may be built at the option of the developer or subsequent owners.
4. The action of the Board shall be taken at its next succeeding regular meeting after receipt of the Commission's report or at any special meeting prior to the regular meeting at which the Board may desire to hear it unless the time is extended by mutual consent of the subdivider and the Board.

6.3 GENERAL REQUIREMENTS AND PROCEDURES FOR THE FINAL PLAT

6.3.1 GENERAL

1. Within one (1) year after approval or conditional approval of the Preliminary Subdivision or Development Plan, (Plat) a final map may be prepared and shall be in accordance with:

(a) The Preliminary Subdivision or Development Plan (Plat) as approved;

(b) These regulations, and;

(c) Any applicable State Law.

Upon application to the Commission and prior to the expiration of the time limit, an extension not to exceed one (1) year may be granted by the Board, if the subdivider is actively processing the final map. If such action is not taken, then all proceedings relating to this plat shall be terminated and considered void.

2. For any approved Preliminary Subdivision or Development Plan, (Plat) the Final Plat may be submitted for approval progressively in continuous units, each as a separate Final Plat, each using the basic tract number but having an alphabetical suffix in progressive order from the letter "A".

3. When the final map consists of two (2) or more sheets, one key map showing the relationship of the tract portions on the sheets shall be placed on the first sheet.

4. The developer shall submit at least five (5) copies of the Final Plat to the Planning Department to be checked, folded so as to fit within a 9 x 12 inch folder. The Commission Staff shall refer prints of the final plat to the County Health department, the County Engineer, the County Attorney, the County Assessor and other interested agencies, which it deems requisite for their evaluations as to conformance of this plat to the approved Preliminary or Development Subdivision Plan (Plat). If additional copies are requested for distribution they shall be supplied.

5. At the time of depositing the five (5) dark line prints of the final map with the Planning staff, the Subdivider shall also file the following materials:

6.3.1 GENERAL (CONTINUED)

- a. Two copies of the preliminary title report or a policy of title insurance issued by a title insurance company within the proceeding thirty (30) working days to the owner of the land issued for the benefit of the County of Graham covering the land within the subdivision and showing all record owners, liens and encumbrances;
- b. A copy of the conditions, covenants and restrictions (CC&Rs), if any, to be recorded;
- c. Five (5) copies of a memorandum showing the total area of the subdivision and area of each lot to the nearest hundredth of an acre if greater than one (1) acre; or, area in square feet if less than one (1) acre:
- d. Certification that all lots within the subdivision have been staked or assurance that they will be and all improvements completed or a declaration of intentions submitted as outlined in Subsection 6.3.7.
- e. If the subdivision is not already on accepted or acceptable dedicated roads, it will be necessary to provide a location map and centerline profile of roads to be constructed to provide access to the subdivision, together with a proposed grading and drainage plan for such roads. The maps will show such details as location, land ownership, existing streets and roadways, right-of-way limits both existing and proposed, major washes and other features affecting the establishment and construction of such roads.
- f. A soil profile (road bed subgrade) indicating the Plastic Index (P.I.)
- g. The percentage passing the No. 200 sieve.

6.3.2 Form of Final Plat

The final map shall conform to all following provisions by showing the following:

1. The final plat shall be submitted on a polyester film or linen tracing cloth drawn with India ink or as a tracing reproduction acceptable for recording, on sheets twenty-four (24) inches wide by thirty-six (36) inches long, shall be at a scale of twenty (20), forty (40), fifty (50), one Hundred (100), or two hundred (200) feet to one (1) inch. Scales of thirty (30), sixty (60), and eighty (80) feet to one (1) inch shall not be acceptable and Final Plat shall include affidavits, certificates and acknowledgements. All stamped or written matter, including signatures, shall be made with opaque ink so that legible blue prints may be reproduced.
2. Every sheet comprising the map shall bear the title (but not subtitle), scale North Point, legend, sheet number and number of sheets comprising the map. Its relation to each adjoining sheet shall be clearly shown.
3. The Final Plat and/or the cover sheet shall also contain in the upper right corner, a vicinity map, at a scale of one inch (1") to 2,000' feet illustrating the development's location within section lines and major roadways.
4. The title of each map shall consist of the subdivision name and plat number placed at the top of each sheet. Below the title on the first sheet shall appear a subtitle consisting of a general description of all the property being subdivided by reference to Governmental subdivisions or portions thereof, by sections, township and range; by metes and bounds descriptions, or to a subdivision map previously recorded in the office of the Recorder of Graham County.
5. Primary control points or descriptions and ties to such control point to which all dimensions, angles, bearings, and similar data on the plat shall be referred, shall be indicated and referenced. At least one corner of a subdivision shall be tied by course and distance to an established and recorded control point.

6.3.2 Form of Final Plat (Continued)

6. The map shall clearly show tract boundary lines with appropriate dimensions shown for perimeter tract, rights-of-way and measurements of lines of streets, easements and other rights-of-way and property lines of lots with accurate dimensions, bearing of deflection angles and radii, arcs, semi-tangents and angles of all curves and the location and description of monuments, lot corners and other survey monuments in place and show property lines, easements, rights-of-way for roadways, land uses, and the development name of adjacent properties within one hundred (100) feet of the proposed development. The easements must be clearly labeled and identified and, if already of record, proper reference to the records given. If any easement is not definitely located of record, a statement of such easements must appear on the title sheet. The boundary of the subdivision shall be indicated by a red or blue border approximately one-eighth of an inch applied on the reverse side of the tracing, which will clearly show on the blue line prints made therefrom. Such border shall not interfere with the legibility of figures or other data.

7. Each lot shall be numbered as per Subsection 6.5.7.5 and each block may be numbered or lettered. Each street shall be named. All lots not intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, public or private, and any private street permitted shall be so designated.

8. If any portion of any land within the boundaries shown on a subdivision map is subject to overflow, inundation, or flood hazard by storm water, such fact and said portion shall be clearly shown on each map and enclosed in a border on each sheet of the map.

9. The map shall also show other data that is required by law.

10. In a situation where there is an existing M-X Commercial Land Use and a subdivider or property owner wishes to build a residential area within a half mile radius of this one, the owner and/or the builder shall be required to furnish an odor easement to the owner(s) of the M-X operations, before a Building Permit can be issued.

6.3.3 Certificates

The following certificates and acknowledgments and all other now or hereafter required shall appear on the Final Plat. Such certificates may be combined when appropriate.

- 1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of said map, taking into consideration that certain rights-of-way, easements, or other interests may be acknowledged by appropriate endorsements on the map where such easements or interest could not ripen into a fee or where changed conditions, long disuse appear to be no longer of practical use or value and which may not be foreclosed by reason that appropriate documents and signatures by the owners thereof cannot be obtained.
- 2. A certificate signed and acknowledged as above offering for dedication all parcels intended for public use.
- 3. A certificate for execution by the subdivision engineer and/or surveyor as follows, if the design and survey were made by separate individuals, then more than one statement shall be required.

(a) This is to certify that the boundary survey and design of the above-described subdivision were made under my direction and supervision and are accurately represented on this map.

Signed_____ Date _____

(b) This is to certify that the survey of the above described subdivision was made under my supervision and that all stakes and monuments are now in place and shown on the plat.

Signed_____ Date_____

(c) This is to certify that the survey of the above described subdivision was made under my supervision and that all stake and monuments will be in place within one (1) year of the date of recording of the map.

Signed_____ Date_____

6.3.3 Certificates (Continued)

The use of (a) or (c) will require assurance s by the developer, as required by the Board of Supervisors, that all lots will be staked. The use of (a) shall also require that the boundaries of the subdivision shall be surveyed and monument and such monument shall be shown on the plat.

4. A certificate for signature by the County Sanitarian or Health Services Director, County Engineer, and County Planning Director, as follows: This plat has been checked for conformance to the approved preliminary plat and any special conditions thereto and to the requirements of the Graham County Planning Ordinance and any other applicable regulations and appears to comply with all requirements within my jurisdiction to check and evaluate.

By:_____ County Engineer Date_____

By_____ County Sanitarian Date_____

By_____ P&Z Director Date_____

5. A choice of full or partial approval to be signed by the Chairman and by the Clerk of the Board of Supervisors:

Full Approval - The Board of Supervisors hereby approves the within map and on behalf of the public accepts subject to subsequent compliance by the dedicator with the Graham County Planning & Zoning Ordinance, all parcels of land offered by dedication for public use in conformity with the terms of the offer of dedication.

Signature of Clerk of the Board Signature of Chairman of Board

Partial Approval - The Board of Supervisors hereby approves the within map and on behalf of the public accepts, subject to subsequent compliance by the dedicator with of the Graham County Planning Ordinance, all parcels of land offered for dedication for public use except:

_____ .

Signature of Clerk of the Board Signature of Chairman of Board

6.3.4 Procedures for Final Approval

1. The head of each County Department who has received a copy of the final plat and has been requested to reply, will determine whether or not the material is acceptable and transmit a statement thereon to the Planning and Zoning Director. Failure of any department to reply within the time specified will be interpreted as no objection by that department to the plat as submitted. On or before the tenth day above mentioned, the Planning and Zoning Director shall inform the developer: (a) as to any changes or additions necessary, or (b) that he may submit the original tracing. If changes or additions are necessary, a set or sets of prints shall be submitted as in Subsection 6.3.1.4 and processed as if it were the original time.

2. When a Final Plat is acceptable to the County Engineer, Health Department, Planning Director and the County Attorney, the subdivider upon notice shall deposit with the Planning Department the original tracing of said final map completely executed by:

a) All parties required to sign or endorse the same for the purpose of passing a good and sufficient title to the public ways offered for dedication and to join the subdivision of said property;

(b) The County Engineer;

(c) The engineer or surveyor preparing the map and any and all other parties required to execute certification, other than the Commission, the Board and the County Recorder.

3. All accompanying data, agreements, sureties, or guarantees and other papers or documents relevant to the acceptance of this map shall be deposited with the Planning and Zoning Department.

4. When all appropriate provisions of the State Laws and these regulations have been met, all of the specified accompanying materials shall be transmitted by the Planning and Zoning Director within ten (10) working days to the Clerk of the Board for action by the Board, this date shall be the official date of filing with the Board.

6.3.5 Action by the Board

1. At the next regular meeting following the filing of said final map with the Board, or at any prior meeting they may so designate, the Board shall consider said tracing of the final map, the offers of dedication and the agreements and guarantees, if any, for deferred improvements. If the Board shall determine that said map is in conformity with the requirements of the law and of any requirements duly made relating thereto, and if the agreement and guarantees for deferred improvements, if any, and unpaid taxes or assessments are in order, it shall approve said map; and the Clerk of the Board shall so certify this action upon said tracing of the final map.
2. If the Board shall determine that said map is not in conformity with the preliminary map or other requirements are not approved by the Board, it shall disapprove said map specifying its reason or reasons therefore; and the Clerk of the Board shall advise the subdivider in writing of such disapproval and of the reason or reasons for such disapproval.

6.3.6 Recording of Final Plat

Within ten (10) working days of the approval by the Board, the Clerk of the Board shall present said Final Plat to the County Recorder and record same with the County Recorder when and not before the subdivider has deposited with the County Recorder the required recording fee. **Final Plat originals shall become the property of the County Recorder's Office and the Planning and Zoning Department.** No subdivision map shall be recorded unless approved by the Board.

6.3.7 Declaration of Intentions, Policies and Performance

1. All streets and parcels offered for dedication for public use by the map may be accepted by the Board under the conditions delineated on the map upon the approval of the Final Plat.
2. At the same time the Final Plat is submitted to Planning staff, the subdivider will submit a letter addressed to the Graham County Board of Supervisors outlining in detail the extent, nature and schedule for the completion of the proposed improvements within the subdivision. This Declaration shall include the following information, but will not necessarily be limited only to these items:

6.3.7 Declaration of Intentions, Policies and Performance (Continued)

- a. Nature and extent of the proposed improvements for the subdivision roads and access roads (if any). A declaration that all roads improvements will be in accordance with the drainage plan approved with the preliminary plan or in the case of access roads submitted with the Final Plat;
 - b. A statement that all lots within the subdivision will be surveyed and monumented within a specified period;
 - c. A statement that all survey monuments required under Subsection of this Ordinance will be installed within a specified period;
 - d. A statement outlining the nature, schedule and extent of any proposed public water supply system or water distribution systems within the subdivision or in connection with the subdivision.
 - e. A statement outlining the nature, schedule and extent of any proposed public sanitary sewer systems or sewage disposal system within the subdivision or in connection with the subdivision.
3. Following completion of all improvements proposed in the subdivision but not exceeding a period of one (1) year from the date of the recording of the final plat, the subdivider shall submit to the Board of Supervisors through the Commission staff the following:
- a. A certificate signed by an Engineer or Land surveyor, registered to practice in the State of Arizona certifying that all of the lots of the subdivision have been surveyed and monumented by his or under his direction in accordance with the requirements of Subsection 6.5.11 of this ordinance.
 - b. A certificate signed by an Engineer or Land surveyor, registered to practice in the State of Arizona certifying that all street survey monuments required (if any) have been installed under his direction in accordance with the requirements of Subsection 6.5.11 of this Ordinance.

6.3.7 Declaration of Intentions, Policies and Performance (Continued)

c. A certificate signed by an Engineer registered to practice in the State of Arizona certifying that all subdivision roadways and required access roads (if any) thereto have been constructed in accordance with the approved drainage plan.

d. A certificate signed by an Engineer registered to practice in the State of Arizona certifying that all public water supply systems, water distribution systems, sanitary sewer systems and sewage disposal systems within the subdivision or in connection with the subdivision has been completed in accordance with the system plans made under his direction and have been approved by the Arizona State department of Health.

4. In the event that all improvements proposed, within the subdivision or upon access roads leading thereto, have not been completed within one (1) year after the date of the recording of the final plat, the subdivider may upon application be granted an extension of time under conditions to be therein specified. In the event that the subdivider fails to fulfill the conditions upon which approval of the final plat was based, the County may, after reasonable notice to the subdivider of default, take whatever steps are within its power to require compliance, or deter further land sales until compliance is met.

5. The Board of Supervisors will not consider the acceptance, for maintenance, of any public roads laid out, opened and constructed after the adoption of this Ordinance unless such roads have been constructed and improved to the minimum County standards outlined in this Ordinance.

6.4 AMENDED PLATS AND SUBSEQUENT LAND DIVISIONS

6.4.1 Land Divisions

The Graham County Board of Supervisors approves all Final Plats and Development Plans for any subdivision or privately held development in the County. These legal documents are considered binding and an application for rezoning shall be included as a condition of acceptance for all preliminary and final plat plans filed with the Commission when such rezoning is necessary.

It is the intent of the Board that the approved final plat consist of only the number and size of lots laid out in the final plat and subsequent lot splits shall require a new plat or the re-platting of the subdivision. In circumstances where the intent or purpose of these regulations could be circumvented by subsequent land divisions in previously approved subdivisions shall be considered by the Commission and receive approval by the Board for these lot splits.

6.4.2 Technical Changes

Any map of a subdivision that has been filed for record may be amended to correct an error in any course or distance or other necessary items that were omitted in order to correct a drafting, graphic, technical or similar type error by the filing for record of an amended map of the subdivision.

6.4.3 Change of Name

1. If anyone wishes to change the name of a recorded tract, such a request must contain the name of the owners of all of the lots.
2. On receipt of said request, the matter shall be referred to the County Assessor and Treasurer to determine how many County records must be changed, if such a change were made. The cost of such changes will be a primary factor in considering this request. Assuming the cost of these record changes may be a condition of acceptance of such request.
3. The request for a change of name shall be referred to the Commission and Board of Supervisors.

6.4.4 Processing

1. Two copies of the proposed amended map shall be filed with the Planning and Zoning Department. One copy shall be referred to the County Engineer.
2. The County Engineer shall examine such amended map; and if such examination disclosed that the only changes on the amended map are technical changes above authorized, he shall certify this to be a fact over his signature on the amended map. It should be referred to the Planning and Zoning Department, to be submitted to the Board of Supervisors for their concurrence of approval. If approved by the Board, the amended shall be entitled to be recorded in the office of the Recorder in which the original subdivision map was recorded. Such map shall be marked "AMENDED MAP OF _____". Subsequently, if more than one amended map is necessary, the successive maps shall be titled "SECOND AMENDED MAP OF _____", and follow in numerical sequence order.

6.4.5 Changes Requiring a New Plat

The use of the terminology of Amended Plat shall not be used to change or vary or add any lot lines, streets, or easements or statements that were not contained on the approved preliminary map or final plat; since, such actions necessitate re-processing of the plat.

6.5 DESIGN STANDARDS

6.5.1 General

1. The Commission shall insure that appropriate provision is made for the harmonious development of the County by requiring:
 - a. The coordination of streets within subdivisions with existing or planned streets or with other features of the County General Plan;
 - b. A regulation of population density and traffic volume, which will create conditions favorable to public health, safety and convenience;
2. Adequate access shall be provided from an existing public road to land being subdivided. Approval of such access shall be a condition of approval of the plat by the Commission and Board.

6.5 DESIGN STANDARDS (Continued)

3. In all subdivisions, it is urged that due regard be shown for all natural features such as trees, water courses, historical and archaeological sites and similar community assets which, if preserved, will add attractiveness and value to the property and community.

4. Any portion of property owned by the Developer or Subdivider excluded from this proposed development shall be provided access outside of the proposed development separated in some means as to avoid assumptions that this portion is a part of the proposed subdivision or development.

5. The design of those elements of a subdivision involving structural matters location and design and building of roads, drainage provisions, water supply and sewage disposal shall be made by an engineer registered in the State of Arizona and qualified to specify the standards for such design or by an assistant under his direction and supervision.

6. Any improvements proposed must conform to these regulations and be acceptable to the Planning Director, County Engineer, Health Director and the Board of Supervisors.

7. It is the responsibility of the developer or subdivider to comply with these regulations. At any time in the processing of a subdivision tract that non-compliance is detected notification by the Planning and Zoning Office of said non-compliance shall be transmitted to the developer. If situation is brought into compliance by the developer or subdivider, processing shall proceed from the date of compliance as if the non-compliance had not existed.

8. If no reply is received within thirty (30) working days, a registered letter shall be sent, giving a fifteen (15) working day deadline for compliance to comply. If such reply is not received, processing shall be terminated. Once processing is terminated, a tract must be re-submitted.

6.5.2 Suitability of the Land

The Commission shall not approve the division of land submitted, if from adequate investigations, it has determined that said land is not suitable for the kind of development proposed due to such factors as flooding, bad drainage, steep slopes, rock formations, or design features likely to be harmful to the safety, welfare and general health of the future residents, unless corrections acceptable to the Commission are submitted by the subdivider or developer.

6.5.3 Water Courses

In the event that the subdivision is traversed by or is contiguous to lakes, streams, or other bodies of water, and washes, the subdivider or developer shall provide private storm drainage easement for drainage conforming substantially with the line of such natural water course, channel stream or creek, or provide an acceptable re-alignment of said water course.

6.5.4 Streets

1. The arrangement, character, extent, grade, width and location of all streets shall conform to the County Plan or upon the preliminary plans of said omission.
2. Streets not shown on the General Plan or preliminary plans, the arrangement of street(s) shall provide continuation or appropriate projection of existing major streets in surrounding areas. All centerlines shall be continuations of the centerlines of existing streets and highways in contiguous territory. In cases where straight continuations are not physically possible, such centerlines may be continued by curves.
3. Structures or culverts shall be installed for drainage, access and public safety. Adequate drainage of the subdivision public ways shall be provided by means of said structures or culverts and by other approved means in accordance with the standards adopted by these regulations.
4. Adequate provisions shall be made in the design of subdivisions for access to each lot or parcel and for access to adjacent properties.

6.5.4 Streets (Continued)

5. Half roads or partial width rights-of-way (ROW) shall only be approved through processing of an exception, except for partial major roads along a section line where no alternative design exists. Where said partial rights-of-way would require the dedication of additional contiguous rights-of-way to make it full width, the developer or subdivider or his representative shall include evidence that the additional right-of-way is available or is permanently reserved for future road purposes. Half roads may be accepted where they are part of the road system approved in the General Plan.

6. Provision shall be made for existing railroad and other public or private utility crossings, necessary to provide access to or circulation within the proposed subdivision, including the obtaining of all necessary permits from the public or private utilities involved and any regulatory agencies having jurisdiction. The cost of this crossing may not be assumed by the County.

7. When a tract fronts on an arterial road, the Board may require the design and construction of a frontage road.

8. Intersections

a. Street intersections shall be as nearly at right angles as possible and no intersection shall be less than 60 degrees.

b. Property line radii at street intersections shall not be less than twenty (20) feet and when the angle of street intersection is less than 75 degrees the County Engineer may require a greater curb radius.

9. Additional width on existing streets in subdivisions and/or developments that adjoin existing streets shall dedicate additional right-of-way to meet the dimensional requirements as established by the County Road Plan and these regulations.

6.5.4 Streets (Continued)

10. Street Names:

Proposed streets which are obviously in alignment with other existing named or numbered streets in that vicinity, shall be given the designation of said existing street. In no case shall the name for proposed streets duplicate those of existing streets within the same area, except as mentioned before, irrespective of the use of such varying suffixes as street, avenue, road, boulevard, drive, place, court, or other designation.

11. Alleys:

a. Alleys shall be required for all subdivision lots intended for commercial purposes. Alleys shall be no less than twenty (20) feet in width and no greater than thirty (30) feet.

b. Alleys will not be allowed within any residential development or subdivision.

12. Sidewalks:

Minimum width of sidewalks in residential areas shall be at least four feet and shall comply with all accessibility standards as outlined in the American's With Disabilities Act (ADA).

13. Cul-De-Sac:

The minimum radius for vehicular turn-around on a cul-de-sac shall be a minimum of 60 feet to the property line.

14. For purposes of street naming and lot numbering, a street shall be considered as beginning at the:

- a. centerline of an intersection, or
- b. center of a curve or elbow, or
- c. boundary of a map.

6.5.5 Street Standards and Improvements

In order to secure adequate, safe, and useful roads, streets and highways within Graham County and to insure the safety and general welfare of the residents, as well as to insure uniform and practical standards of construction, the following specifications are adopted as the Graham County standards for road construction.

1. Types of road construction:
 - a. Fully paved roads with curbs and gutters
 - b. Fully paved roads
 - c. Modified roads with pavement
2. All commercial areas shall be fully paved with curbs and gutters.
3. Subgrade specifications and grade preparations
 - a. All grading and subgrading preparations shall be done in accordance with MAG Standards Specifications as amended.
 - b. No arterial or major roads shall have a grade in excess of 10 percent.
 - c. Minor streets and cul-de-sacs may exceed 8 percent grade provided they are fully paved, but in no case shall a grade exceed 10 percent for a distance of 500 feet.
 - d. Culverts shall be either reinforced concrete pipe or corrugated metal pipe, in accordance with MAG Specifications as amended.
 - e. The thickness or depth and type of subbase materials, base materials, and any pavement materials, shall be determined by an Engineer licensed in the State of Arizona in accordance with County standards.
 - f. Subgrade shall be compacted and watered to achieve a minimum density of 95 percent. Any subbase, base material, and unpaved roadways shall be watered and compacted to achieve a minimum density of 100 percent. All compacting densities are to be tested by a licensed soil testing laboratory in accordance with standard proctors per MAG Specifications as amended.

6.5.5 Street Standards and Improvements (Continued)

g. All streets and roads shall have a crown of two percent from the center to curb or gutter.

h. For Arterial, Major, and Collector streets two inches of asphalt concrete or 2 1/2 inches of road mix shall be applied in accordance with good engineering practices with the approval of the County Engineer and/or the County Highway Foreman. The depth is to be measured after compacting.

i. For minor, frontage or hillside, or cul-de-sac streets 1 1/2 inches of asphalt concrete or 2 inches of road mix shall be applied in accordance with good engineering practices with the approval of the County Engineer and/or the County Highway Foreman, which depth is to be measured after compaction.

j. The asphalt concrete or road mix shall be sealed in accordance with the approval of the county Engineer and/or the County Highway Foreman.

4. Plan and Profile

a. The Plan and Profile of proposed construction shall be submitted to the County Engineer and/or the County Highway Foreman for approval.

b. The Plans shall include:

1. Percentage of grade from a typical cross section.

2. The natural ground profile.

3. Drainage structures that will be required for proper drainage.

4. The percentage of compaction required on natural ground, on the subgrade, on the select material, and on the aggregate base.

6.5.5 Street Standards and Improvements (Continued)

- c. Plans for roadways shall be at the following minimum standards:

- 1. Material

- a. Subgrade is to be scarified to a minimum of 6" depth and compacted to a minimum of 95% Density of Standard Proctor.
- b. Roadbed Base is to be $\frac{3}{4}$ " minus ABC in compliance with MAG Specification Section 702. ABC is to be placed to a minimum of 6" in depth and 32' in width (16' each side of Roadway Centerline) and compacted to 100% Density of Standard Proctor.
- c. All CMP culverts shall be a minimum of 12 gauge and a minimum of 18" in diameter unless specified larger or thicker gauge. All culverts shall extend to a minimum of 2' outside shoulder area or to a minimum of 25' each side of road Centerline unless specified longer.
- d. All Private Driveways are to have a minimum of 4" in depth of ABC, 20' in width, and from roadway ABC to ROW limits. ABC is to be placed with a minimum of 10' radii with roadway ABC and compacted to 95% Density of Standard Proctor.

- 2. Roadway Standards

- a. Roadway profile grades shall not exceed 8% at any point, except as provided for in paragraph 6.5.5.3(b).
- b. No grade breaks will be allowed for grade changes on major roadways in excess of .5% and as determined by the County Engineer for other roads.
- c. Minimum lengths of roadway profile vertical curves shall be as follows:
 - 1. Less than 2% grade changes 200 feet
 - 2. 2% or more but less than 4% grade changes 400 feet
 - 3. 4% or more grade change 600 feet.

6.5.5. Street Standards and Improvements (Continued)

d. Roadway is to be graded crowned at Centerline with 2% side slope down each side of Centerline except horizontal curves. Horizontal Curves are to have super elevated side slopes at a cross section grade for 55 MPH traffic. No horizontal curves will be accepted with less than a 500' Centerline radius.

e. No private driveways shall have a profile slope exceeding 12%.

f. Roadway is to be a minimum of 46' graded area crowned with cross sectional slopes as specified in item No. 5 (each side of Centerline-16' ABC and 7' standard fill material).

g. In areas of roadway "CUTS" sufficient drainage swales are to be provided with a minimum of 4' width and maximum side slopes of 2 to 1. All other roadway cut slopes are to be no more than 3 to 1 in steepness unless restricted by available right-of-way and with approval by the County Engineer and/or the Board.

h. All side slopes outside of 46' roadbed area are to be less than 4 to 1 in steepness for all "FILL" areas.

i. Any irrigation ditch within the ROW is to be relocated to the nearest adjacent ROW and constructed in kind or better unless otherwise specified.

j. All drainage swales are to be graded to a minimum of 0.5% profile slope down to discharge point.

6.5.5. Street Standards and Improvements (Continued)

5. Modified Road with Pavement

- a. The Board of Supervisors may permit a modified pavement on collector, minor, cul-de-sac, and frontage or hillside streets as an option to specified road mix if and when it is beneficial to Graham County.

The required base shall have a penetration of MC-250 or MC-800 or a County approved alternative at a rate of about five-tenths gallon per square yard to be followed by two seal coats of cover material and emulsion when the MC-250 or MC-800 is completely penetrated and cured. This is not to be sealed with crushed stone.

- b. Regular tests of the road construction shall be made by a licensed testing laboratory and shall be approved by the County Engineer in consultation with the County Highway Foreman.

6. Graham County Minimum Standards

Type of Right-of-Way Streets	ROW Widths	Minimum Depths	Pavement Width with curbs	Type of Curbs
Arterial	100 ft.	6 inches	64 ft.	Standard
Major	84 ft.	6 inches	64 ft.	Standard
Collector	60 ft.	6 inches	50 ft.	Standard
Cul-de-sac	60 ft.	6 inches	52 ft.	Roll
Minor	50 ft.	6 inches	32 ft.	Roll
Frontage	50 ft.	6 inches	32 ft.	Roll
Hillside	50 ft.	6 inches	32 ft.	Roll

7. Definition of Streets:

Arterial: A contiguous street tying together two or more traffic-generating areas, or portions of any officially projected streets, used primarily for through-traffic between separate areas to collect and distribute all traffic to any terminal served by the street and to the lesser streets in between. It shall be the intent to locate arterial streets along all section and quarter section lines, except in cases where the terrain dictates otherwise. Any deviation from section and quarter section lines shall be with conceptual traffic flow pattern with said lines.

6.5.5. Street Standards and Improvements (Continued)

Collector: A connecting street between two major streets which does not function as a Major street or any street supplementary to a Major street that extends through at least one intersection with other minor streets.

Major: A principal traffic way for contiguous streets and is also a means of access to arterial streets.

Minor: A street supplementary to either a Major or Collector street, which is terminated in a "T" intersection, if less than one quarter mile in length, a Loop street, or cul-de-sac.

Frontage or Hillside: A street separated from the main flow of traffic designed primarily to provide access to properties on the side of the street only, or where special circumstances occur.

8. Concrete Curbs:

Concrete curbs shall be installed to the approved line and grade required by the County Engineer and/or the County Highway Superintendent.

9. Subdivisions:

a. Subdivisions with lots larger than five (5) acres may not be required to have curbs, gutters, sidewalks or paved roadways. Roadbed material shall be a minimum depth of six (6) inches, with a graduation in accordance with MAG Specifications and with a P.I. minimum of 7 and a maximum of 10.

b. Subdivision with lots larger than one acre up to five acres shall have paved roadways.

c. Subdivisions with lots less than one acre shall be required to have curbs, gutters, sidewalks and paved roadways.

d. Any subdivisions meeting either of the above listed specifications must have a Land Use restricting the minimum lot size and infrastructure improvements consistent with the land use requirements.

6.5.6 Blocks

1. Length, Width and Shape of Blocks: The length, width, and shape of blocks shall be determined with due regard to provisions for adequate building sites, zoning requirements as to lot areas and dimensions, limitations and opportunities of topography and needs for convenient access and circulation, control and safety of streets and pedestrian traffic. A block is any portion of a subdivision tract delineated by street right-of-way, and the boundary of the subdivision conforming to requirements for length and depth.

2. Length: The blocks shall not be more than 1,320 feet in length except as the Commission considers necessary to secure efficient use of land or as a desired feature of street design. In blocks over 660 feet in length, crosswalks may be required. Longer blocks may be provided when fronting on major streets in order to reduce the number of intersections.

Width: Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. Where conditions exist to justify such, the Commission may approve a single tier of lots of minimum depth.

6.5.7 Lots

1. ARRANGEMENT: The lot area, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location and shall conform to the requirements of zoning and these regulations. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road or approved access.

2. ACCESSIBILITY: Each lot shall be accessible to the street which it fronts. Where necessary, lots shall be graded as a condition of approval of a final map to insure access to and adequate use of property.

3. MINIMUM SIZE: The size, shape and orientation of lots shall be such as the Commission deems appropriate. Each lot shall be suitable for the purpose for which it is intended and shall contain a usable building site. The area of a lot shall be deemed the area shown, exclusive of any area designated for road purposes or any easement for access or road purposes shown on the map. Each lot shall contain at least 6,000 square feet or greater consistent with the Land Use Classification.

6.5.7 Lots (Continued)

4. LARGER TRACTS OR PARCELS: When the land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

5. LOT NUMBERING:

a. Each lot shall be designated by "Arabic" numerals:

b. If block designations are not used, numbering shall be in consecutive sequence beginning with the number "1", where ever lots have common side boundaries within a subdivision or within a block along each street and continuous consecutive numbering shall follow from one block to another;

c. When designations are used, numbering shall be in consecutive sequence within each block area commencing with the number "1" for each block;

d. Numbering sequences may follow in continuity from one tract to another when lying contiguous to one another, or when separated or contiguous if the same name is used for successive tracts;

e. Parcels shall be designated by capital letters and be designated in sequence within a tract starting with the letter "A".

6. LOT WIDTH AND DEPTH

a. Lot depth shall mean the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines. For lots with more than four (4) sides, the sides contiguous to the front lot line shall be the side lot lines and a line connecting the centers of the remaining lot lines shall be used to measure lot depth;

b. Each lot shall have a minimum width of property lines at the front and rear setback lines of forty (40) feet and no lot shall be less than one hundred (100) feet in depth.

6.5.7 Lots (Continued)

- c. No lot shall be designed with a depth to width ratio greater than three (3) to one (1) for the usable area; except lots located on a knuckle or end of a cul-de-sac may have a four to one.

7. CORNER LOTS:

Where lots are designed with minimum areas, corner lots shall be wider than minimum to provide adequate usable area.

6.5.8 Sanitary Waste and Water Systems

The requirements for development of public water supplies and of community sewage disposal systems shall not be less than those outlined by Arizona Department of Water Resources and the Arizona Department of Environmental Quality regulations and engineering criteria for such installations.

6.5.9 Refuse Disposal

Subdividers or developers shall indicate distance to approved Refuse Disposal Areas. If none are available, the Board may require such facilities to be furnished by the subdivider before the subdivision is approved.

6.5.10 Easements and Utilities

Except where existing alleys are provided for the purpose, easements at least sixteen (16) feet in total width shall be provided, along rear lot lines for poles, wires, conduits, sanitary sewers, gas mains, water mains, or for other utilities. Where necessary, easements shall be located along the side lot lines. Half or partial easements may only be approved where dedication of necessary additional easements are on record.

6.5.11 Monuments

1. Monument shall be a steel or iron pin, minimum 16 inches in length and a minimum of one half (1/2") inch diameter per Arizona Code and Rules of the State Board of Technical Registration Minimum Standards and set in a reasonably permanent manner at each lot corner and/or at all points of curvature or tangency of the subdivision.

6.5.11 Monuments (Continued)

2. Whenever streets are improved to the extent that paving is included, survey monuments will be required at all street intersections and at the point of curvature and point of tangency of all curves as approved by the County Engineer. Survey monuments within paved roadways shall be a minimum of one (1) foot by one (1) foot by one (1) foot cube concrete monument with a minimum of a two (2) inch diameter flat brass cap imbedded flush in the concrete. Brass cap is to have an impression a minimum of 1/16 inch deep and 1/8 inch in diameter pressed into cap to indicate actual point and stamped with the registration number of Licensed Surveyor installing monument. A minimum of twelve (12) inch length of minimum one half (1/2) inch diameter iron or steel shall be placed within the concrete monument for metallic indicators.

6.6 SPECIAL DEVELOPMENT SUBDIVISIONS

Modified Standards and Requirements of these regulations may be accepted by the Commission in the case of a plan and program for a new town, a complete community, a mobile home park, or a neighborhood unit, which provides adequate public recreation, light, air and service needs for the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the County Planning or Land Use Regulations. Any development, which used the term "Planned Community" or any connotations to imply a planned community shall be processed under this section.

1. When such a preliminary development plan is submitted for appraisal and exceptions from this Ordinance are included in the design, it shall be accompanied by a petition for exception as outlined in these regulations (Subsection 6.9) setting out all deviations from standards herein required and explaining the reasons thereto.
2. Special development exceptions may include:
 - a. Streets of less than standard requirements, but with adequate provisions for off-street parking;
 - b. Up to four (4) lots served by a common driveway where topographic conditions would justify such treatments;
 - c. Up to four (4) buildings per site in a cluster of less than minimum lot area if a corresponding contiguous area plus the building site areas brings the total combinations of building sites and common area to minimum area standards.

6.6 SPECIAL DEVELOPMENT SUBDIVISIONS (Continued)

d. Special common sanitation facilities

3. Designation of adequate areas for parks, schools and other public uses shall be a condition of approval where development as proposed would necessitate such facilities.

4. When classified, special development subdivisions requiring exceptions from the subdivision regulations shall be land use "SD" as outlined in the land use regulations, Subsection 4.8. If use of the lots necessitates such land use.

5. A subdivision may be approved with residential lots of a minimum area of 6,000 sq. ft. where all other conventional subdivision procedures are employed such as street widths, etc. When such subdivision is approved, it shall be classified as R-6. Any subdivision so approved shall include a community sewage disposal system providing services to each lot in the tract that could be used for residential purposes.

6.7 REVERSION TO ACREAGE

1. If no lots in a subdivision, for which a Final Plat has been approved and recorded, have been sold within three (3) years from the date of recordation, or if none of the improvements have been made within two (2) years from the date of recordation, the Board may on its own motion hold a public hearing, after notice, to determine whether the approval of such Final Plat should be revoked. Such revocation shall be effective upon recordation of a certified copy of such resolution; and thereupon all streets, rights-of-way; and easements dedicated or offered for dedication by such plat shall be of no further force or effect.
2. Abandonment of subdivision lots and reversion to acreage and/or abandonment of streets, rights-of-way and easements, dedicated or otherwise may be initiated by property owners petitioning the Board of Supervisors for consideration of all or portions of any tract or plat.
3. Such petition may necessitate consideration for re-zoning.
4. Any action considered by the board relating to revocation of all or part of a subdivision whether lots or lots and rights-of-way shall be referred to the Commission for evaluation of the following:
 - a. Correlation with the County Plan;
 - b. Correlation with proposed development in adjacent areas:
 - c. Recommendation as to whether or not land use changes should accompany such action:
 - d. Effect of such action on existing development in areas affected by proposed reversion or abandonment.
5. Any other action applicable to the above process and permitted by State Laws are permissible.
6. Requisite actions under Article I, Chapter 5, title 18, Arizona Revised Statutes, to abandon the streets and easements should be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.

6.8 EXCEPTIONS TO SUBDIVISION REGULATIONS

6.8.1 Any map submitted with deviations from specifications and standards as required by these regulations shall not be processed until a petition of exception is submitted.

Any person seeking an exception(s) to the requirements of these regulations shall file two (2) copies of a signed petition with the Planning Director at the same time as they submit the Preliminary Subdivision Plan. A petition of exception may not be accepted for consideration, if its effect would be to modify the wording or intent of technical requirements, which would change the meaning or intent of these regulations.

The petition must be a request for an exception to a circumstance actually contained on the preliminary plan as submitted. Petitions shall not be in the abstract. The Planning Staff shall accept the petitions for each and any exception as herein described and initiate or continue the processing of a Subdivision Plan as long as it complies with all other requirements. The petition or petitions may be heard at the same meeting as that of the Preliminary Subdivision Plan to which they refer or may be heard separately and shall appear on the agenda prior to reference to the subdivision plan.

The Commission may recommend that the Board accept exceptions. In order to do so, it shall be necessary for the Commission to find that there are special circumstances or conditions effecting said property; that the granting of the exceptions will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated; that it will not have the effect of nullifying the intent and purpose of the County Plan or these regulations.

6.8.2 Board and Commission action to Subdivision Exceptions:
In recommending for or against an exception, the Commission shall report its findings to the Board. The Commission shall likewise take action on the Preliminary Subdivision Plan making their resolution conditional to the action by the Board.

6.8 EXCEPTIONS TO SUBDIVISION REGULATIONS (Continued)

Upon receipt of such report, the Board may approve or deny the request for exceptions. The Board may authorize the Commission to approve said preliminary map with the exceptions and conditions the Board deems necessary to substantially uphold the objectives of these regulations.

6.9 AMENDMENTS

The Graham County Planning Ordinance may be amended by changing the boundaries of land use or by changing any other provision through following the procedures of this section.

6.9.1 Initiation

An amendment may be initiated by:

1. A verified petition as required by Section 11-829 Arizona Revised Statutes or a verified petition of one or more owners of property affected by the proposed amendment requesting the Board of the Commission to initiate a resolution of intention, which petition shall be filed with the Commission.
2. Resolution of intention by the Board, referred to the Commission.
3. Resolutions of intention by the Commission.

6.9.2 Public Hearings

If the matter is referred to the Commission by the Board, or if action is initiated by the Commission or through a verified petition submitted to the Commission, the Commission shall hold at least one (1) public adhering on any proposed amendment and shall give notice thereof by at least one (1) publication in a newspaper of general circulation within the County at least fifteen (15) days prior to the first of such hearings.

6.9.3 Action by the Commission

1. Following the aforesaid hearing the Commission shall make a report of its findings and recommendations with respect to the action taken and shall file with the Board an attested copy of such report within thirty (30) days after completion of the said hearing; provided that such time limit may be extended at the request of a party having an interest in the proceedings. Failure of the Commission to act on any approved request within thirty (30) days without an approved extension shall permit the Board to take the matter for their consideration.

6.9.3 Action by the Commission (Continued)

2. The Commission or Board may have as many additional hearings or continued hearings on any times before it as are deemed necessary for public necessity, convenience and general welfare.

6.9.4 Action by the Board of Supervisors

1. Upon receipt of such report from the Commission or upon the expiration of thirty (30) days as aforesaid, the Board shall set the matter for public Hearing. After the conclusion of such hearing the Board may adopt the amendment or any part thereof set forth in the petition in such form as said Board may deem advisable.
2. The Decision of the Board shall be rendered within sixty (60) days after the receipt of a report and recommendations from the Commission or after the expiration and ninety (90) days of the actions by the Commission.

6.9.5 Changes by the Board of Supervisors

The Board shall not make any changes in any proposal recommended by the Commission until the proposed changes have been referred to the Commission for a report and a copy of the report, filed with the Board. The failure of the Commission to file a report within forty (40) days from receipt of proposed changes by the Board shall be deemed to be no objections of the proposed changes.

6.9.6 Re-Application

No person, including the original, shall reapply for the same change of land use on the same plot, or lots within a period of one (1) year from the date of the final decision or denial by the Board of such previous application except in cases where extraordinary circumstances have caused a need for re-evaluation of all property in the general area.

ARTICLE 7.0 SEXUALLY ORIENTED **BUSINESS REGULATIONS**

Scope: This section is to establish the regulations to control what activities related to operating a sexually oriented business in Graham County are permissible in order to protect the value of adjoining property and against offense of the community in general.

ARTICLE 7 SEXUALLY ORIENTED BUSINESS REGULATIONS

7.1 PURPOSE AND INTENT

It is the purpose and intent of this Ordinance to regulate sexually oriented businesses to promote the health safety, morals and general welfare of the citizens of Graham County and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually-oriented businesses within the County, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material.

7.2 DEFINITIONS

For the purposes of this section, certain terms and words are defined as follows.

SEXUALLY ORIENTED BUSINESSES include the following activities.

ADULT ARCADE means any place to which the public is permitted or invited and in which coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images involving specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

ADULT BOOKSTORE OR VIDEO STORE means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas.
2. Instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

7.2 DEFINITIONS (Continued)

ADULT LIVE ENTERTAINMENT ESTABLISHMENT means an establishment that features either:

1. Persons who appear in a state of nudity; or
2. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

ADULT MOTION PICTURE THEATER means a commercial establishment in which for any form of consideration films, motion pictures, video cassettes, slides or other similar photographic reproductions specific sexual activities of specific anatomical areas are predominantly shown.

ADULT THEATER means a theater, concert hall, auditorium or similar commercial establishment that predominantly features persons who appear in a state of nudity or who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

MASSAGE ESTABLISHMENT means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance. This paragraph does not apply to:

1. Physicians licensed pursuant to Arizona Revised Statutes (A.R.S.) Title 32, chapter 7, 8, 13, 14 or 17.
2. Registered nurses, licensed practical nurses, physical therapists or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. Title 32, chapter 13, 15, 17, or 19.
3. Persons who are employed or acting as trainees for a bona fide amateur, semiprofessional athlete or athletic team.
4. Persons who are licensed pursuant to A.R.S. Title 32, chapter 3 or if the activity is limited to the head, face or neck.
5. Massage therapy means nonsexual, massage offered by an individual who is licensed by a professionally recognized organization such as National Certification Board for Therapeutic Massage & Bodywork or by an establishment licensed, accredited or belonging to a nationally recognized professional organization.

7.2 DEFINITIONS (Continued)

NUDE MODEL STUDIO means a place in which a person who appears in a state of nudity or who displays specific anatomical areas is observed, sketched, drawn, painted, sculptured, photographed or otherwise depicted by other persons who pay money or other consideration. Nude model studio does not include a proprietary school that is licensed by the state, a college, community college or university that is supported entirely or in part by taxation or a structure to which the following apply:

1. A sign is not visible from the exterior of the structure and no other advertising appears indicating that a nude person is available for viewing.
2. A student must enroll at least three days in advance of a class in order to participate.
3. No more than one nude or seminude model is on the premises at any time.

NUDITY OR STATE OF NUDITY means:

1. The appearance of a human anus, genitals or female breast.
2. A state of dress that fails to opaquely cover a human anus, genitals or areola of the female breast.

SEMINUDE means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body that are covered by supporting straps or devices.

SPECIAL ANATOMICAL AREAS means the male genitals in a state of sexual arousal or the vulva or more intimate parts of the female genitals. Specific anatomical areas may include:

1. Human genitals, pubic region or breast below a point immediately above the top of the areola that is less than completely and opaquely covered.
2. Male genitals in a discernibly turgid state even if completely and opaquely covered.

7.2 DEFINITIONS (Continued)

SPECIFIC SEXUAL ACTIVITIES means any of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.
3. Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.
4. Excretory functions as part of or in connection with any of the activities under subdivision (a), (b), or (c) of this paragraph.

7.3 ESTABLISHMENT AND CLASSIFICATION OF BUSINESSES REGULATED

The establishment of a Sexually Oriented Business shall be permitted only in C-M, M and M-X zones and shall be subject to the following restrictions:

1. No person shall cause or permit the establishment of a sexually oriented business, as defined above, within 1,000 feet of another such business; or
2. Within 1,000 feet of any religious institution, school, boys' club, girls' club, or similar existing youth organization, or public park or public building; or
3. Within 1,000 feet of any property zoned for residential use or used for residential purposes.

7.4 MEASUREMENT OF DISTANCE

As regarding Section 7.3.1, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or obstructions from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or residential use or used for residential purposes.

7.5 LOCATION OF SEXUALLY ORIENTED BUSINESSES

The Graham County Zoning Ordinance requires that sexually oriented businesses shall be permitted only in Zones as provided in Section 7.3. Permits for sexually oriented business shall be required and governed by the regulations, procedures and policies adopted by the Board of Supervisors.

7.6 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS IN VIDEO BOOTHS

A person who operates or causes to be operated a sexually oriented business, other than a sexually oriented motel/hotel which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts specified sexual activities of specified anatomical areas, shall comply with the following requirements:

1. No such business shall be operated without a permit issued by the Planning and Zoning Director pursuant to the regulations.
2. Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan, specifying the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, however, each diagram should be oriented to the north to some designated street and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

7.6 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS (Continued)

3. The application shall be sworn to be true and correct by the applicant.
4. No viewing room may be occupied by more than one person at any one time. A door may be attached or installed on any viewing room.
5. No openings of any kind shall exist between viewing rooms.
6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than two foot candle as measured at the floor level.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
8. It shall be the duty of the licensee to ensure that the view area specified in subsection (7) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (2) of this section.
9. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpets.

7.6 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS (Continued)

10. It shall be the duty of the owners and operator and it shall be the duty of any agents and employees present on the premises daily to insure that these regulations are complied with and that the illumination described above is maintained at all times that any patron is present on the premises.

7.7 ADVERTISING REGULATIONS

1. The permittee shall not allow any depiction of specified sexual activities or specified anatomical areas to be visible from the exterior of the premises.
2. All off-street parking areas and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees. The lighting shall be shown on the required sketch or diagram of the premises.

7.8 HOURS OF OPERATION

It shall be unlawful to operate, permit or cause to be operated a sexually oriented business between the hours of 1:00 a.m. and 6:00 a.m. of any particular day.

ARTICLE 8.0 LIGHT POLLUTION CODE

Scope: The Light Pollution Code provides guidelines and procedures for administering outdoor lighting to restrict undesirable artificial light rays that could have detrimental effect on astronomical observations.

ARTICLE 8 LIGHT POLLUTION CODE

8.1 ADMINISTRATION

8.1.1 Purpose – This Code is intended to restrict the permitted uses of outdoor artificial illuminating devices emitting undesirable light rays into the night sky that have a detrimental effect on astronomical observations.

8.1.2 Jurisdiction - All outdoor lighting installations shall conform to the provisions of this Code and shall require permit and inspection.

8.1.3 Approved Material and Methods of Installation - The provisions of this Code are not intended to prevent the use of any material or method of installation not specifically prescribed by this Code, provided any such alternate has been approved. The Zoning or Building Inspector may approve such alternate provided he finds that the proposed design, material or method is:

- a. Satisfactory and complies with the intent of the Code or
- b. Provides approximate equivalence to those specific requirements of this Code.

8.2 DEFINITIONS

OUTDOOR LIGHT FIXTURES – Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but not limited to search, spot, or flood lights for:

- a. Building and structure
- b. Recreation areas
- c. Parking lot lighting
- d. Landscape lighting
- e. Billboards and other signage (advertising or other)
- f. Street lighting (see section 8.2.4)

8.2 DEFINITIONS (Continued)

EXEMPT ARTIFICIAL ILLUMINATING DEVICES – Outdoor light emitting sources which because of their permanent location, type or size are exempted in Section 8.3.3, or are listed in chapter 8.6 as excluded, shall be considered exempt from all requirements of the Code.

INDIVIDUAL – Shall mean any private individual, tenant, lessee, owner or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.

INSTALLED – Shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Code but shall not apply to those outdoor light fixtures installed prior to this date. Any installation of outdoor lighting fixtures shall be subjected to an Electrical Permit.

RESTRICTED AREA – An area 35 miles in radius, whose center is the High Peak on Mt. Graham in the Pinaleno Mountain Range shall be considered as “restricted” and designated as area “A” in this code. All other areas within the geographic boundaries of Graham County are considered as restricted and designated as area “B” in this code.

8.3 GENERAL REQUIREMENTS

8.3.1 Shielding – All exterior illuminating devices, except those exempt from this Order, and those regulated by Section 8.4.3 shall be fully or partially shielded as required in Table 8.3.3.

- a. Fully shielded shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
- b. Partially Shielded shall mean that those fixtures shall be mounted in such a manner that the uppermost edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.

8.3 GENERAL REQUIREMENTS (Continued)

8.3.2 Filtration

- a. Those outdoor light fixtures requiring a filter in section 8.3.3, except mercury vapor, shall be equipped with a filter whose transmission is less than 5 percent total emergent flux at wavelengths less than thirty-nine hundred (3900) angstroms. Total emergent flux is defined as that between 3000 and 700 angstrom units.
- b. Mercury Vapor fixtures shall be equipped with a filter whose transmission is less than 10 percent total emergent flux at wavelengths less than forty-four hundred (4400) angstroms. Total emergent flux is defined as that between 3000 and 7000 angstrom units.
- c. Low Pressure Sodium lamps are preferred, minimizing adverse effects on astronomical observations.

TABLE 8.3.3
CODE REQUIREMENTS FOR SHIELDING AND FILTERING

Fixture Lamp Type	Area A		Area B	
	Shielded	Filtered 4*	Shielded	Filtered 4*
Low Pressure Sodium *1	Partially	None	Partially	None
High Pressure Sodium	Fully	None	Partially	None
Metal Halide *6	Fully	Yes	Partially	Yes
Fluorescent	Fully *5	Yes *2	Partially	None *2
Quartz *3	Fully	None	Partially	None
Incandescent Greater than 150W	None	None	None	None
Mercury Vapor	Fully	Yes	Partially	None
Fossil Fuel	None	None	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None	None	None
Other Sources	AS APPROVED BY CODES DEPARTMENT			

Footnotes

*1 The preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

*2 Warm White and Natural Lamps are preferred to minimize adverse effects.

*3 For the purpose of this Code, quartz lamps shall not be considered an incandescent light source.

*4 Most glass, acrylic, or translucent enclosures satisfy these filter requirements.

*5 Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within; do not require shielding.

*6 Metal halide display lighting shall not be used for security lighting after 11 p.m. (or after closing hours if before 11 p.m.) unless fully shielded, metal halide lamps shall be in enclosed luminaries.

8.3 GENERAL REQUIREMENTS (Continued)

8.3.4 Submission of Plans and Evidence of Compliance with Order. The applicant for Permit involving outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices shall submit (as Part of the application for permit) evidence of compliance with the Order. The submission may contain but not be limited to the following:

1. Plans indicating location and type of illuminating devices, fixtures, maps, other devices, etc.
2. A description of the illuminating devices, outdoor fixtures, lamps and other devices. This description may include, but not be limited to Manufacturers Catalog Cuts and Drawings (include Sections where required).

The above indicated plans and description shall be complete enough to indicate to the plans examiner compliance with the requirements of the Code.

If devices, fixtures or lamps are submitted which are by their nature or configuration difficult to determine whether compliance exists, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab. (Examples of recognized Labs would be Independent Testing Lab, Engineering Testing Lab, Lighting Research Laboratory, Environmental Testing Laboratories.

Should outside light fixtures or lamps be substituted after the permit has been issued, a change must be submitted for approval to the local jurisdiction with adequate information to assure compliance with this Code. Graham County Electric Co-Op, Inc., having agreed to abide by this code, is exempt from making application for permit when installing light fixtures in the normal course of their business.

8.4 PROHIBITIONS

8.4.1 Searchlights – The operation of searchlights for advertising purposes within the geographic limits of Area B is prohibited between 11 p.m. and 6 a.m. the following morning. Searchlights are prohibited in Area A.

8.4.2 Recreational Facility – No outdoor recreational facility, (public or private), shall be illuminated by nonconforming means after 11 p.m. unless a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility was in progress prior to 11 p.m.

8.4.3 Outdoor Building or Landscaping Illumination - The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures less than 150 watts.

8.5 TEMPORARY EXEMPTIONS

8.5.1 Request for Temporary Exemption - Any individual as defined herein may submit a written request on a form prepared by the County to the Zoning Official of the County, for a 'temporary exemption' to the requirements of this Code, such exemption to be valid for 30 days, renewable at the discretion of the Zoning Official. The Request for Temporary Exemption shall contain minimally the following listed information:

1. Specific exemptions requested
2. Type and use of exterior light involved
3. Duration of time for requested exemption
4. Type of lamp and calculated lumens
5. Total wattage of lamp or lamps
6. Proposed location of exterior light
7. Previous temporary exemptions, if any
8. Physical size of exterior light and type of shielding provided.

In addition to the above data, the Zoning Official of the County may request any additional information which would enable him to make a reasonable evaluation of the Request for Temporary Exemption.

8.5 TEMPORARY EXEMPTIONS (Continued)

8.5.2 Appeal for Temporary Exemption – The Zoning Official of the County within five days from the date of the Request for Temporary Exemption shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right of appeal to the Graham County Board of Adjustments for review of the decision by the Zoning Official. Such appeal shall be processed on forms prepared by the County. Results of the review by the Board of Adjustment of any Appeal will be forwarded to the Appellant, Zoning Official and others requesting results.

8.6 PERMANENT EXEMPTIONS

8.6.1 Non-Conformance – All outdoor light fixtures existing and fully installed prior to the effective date of the Code may remain 'non-conforming' indefinitely.

8.6.2 Fossil Fuel Light – Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

8.6.3 Federal and State Facilities – Those facilities and lands owned, operated as protected by the U.S. Federal Government or the State of Arizona are exempted by law from all requirements of the code. Voluntary compliance with the intent of the Code at those facilities is encouraged.

8.7 CONFLICT WITH OTHER CODES

8.7.1 Restrictiveness – Where any provision of any of the Arizona State statutes, or any of the Federal laws, or any companion Code within the Graham County Building Code, comparatively conflicts with the requirements of the Light Pollution Code, the most restrictive shall govern.

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